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THIRD SESSION
THIRTY-SECOND PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

SESSION

APRIL 18th to JUNE 21st, 1983
and
OCTOBER 11th to DECEMBER 16th, 1983

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THIRD SESSION
THIRTY-SECOND PARLIAMENT

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3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 78

An Act to amend the Legislative Assembly Act

The Hon. T. L. Wells
Minister of Intergovernmental Affairs

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The annual indemnity of members of the Assembly is increased from $31,800 to $33,345.

The annual allowance for expenses of members of the Assembly is increased from $10,600 to $11,130.

SECTION 2. Leaders' allowances for expenses are increased:

1. For the Premier, from $6,000 to $6,300.
2. For the Leader of the Opposition, from $4,000 to $4,200.
3. For the Leader of the Third Party, from $2,000 to $2,100.

SECTION 3. Additional indemnities are increased:

1. For the Speaker, from $17,200 to $18,035.
2. For the Leader of the Opposition, from $23,300 to $24,432.
3. For the Leader of the Third Party, from $11,700 to $12,268.

SECTION 4. Additional indemnities are increased:

1. For the Chairman of the Committees of the Whole House, from $7,200 to $7,549.
2. For the Deputy Chairman of the Committees of the Whole House, from $5,000 to $5,243.
3. For chairmen of standing committees, from $3,900 to $4,089.

SECTION 5. Additional indemnities to Whips are increased:

1. For the Chief Government Whip, from $8,900 to $9,332.
2. For the Deputy Government Whip, from $6,100 to $6,396.
3. For the Government Whips, from $4,400 to $4,613.
4. For the Chief Opposition Whip, from $6,100 to $6,396.
5. For the Opposition Whips, from $4,400 to $4,613.
6. For the Chief Party Whip of the Third Party, from $5,000 to $5,243.
7. For the Party Whip of the Third Party, from $4,000 to $4,194.

SECTION 6. Section 66 of the Act provides for payment of travel allowances to members of the Assembly.

Subsection 1. Subsection 66 (1) provides for payment of an allowance for every mile of travel by private automobile. The amendment changes the reference from "mile" to "kilometre".

Subsections 2 and 3. Subsections 66 (2), (3) and (3a) of the Act relate to payment of allowances to members for travel between their residences and Toronto by airplane, train and bus. The subsections are re-enacted to authorize the Board of Internal Economy to prescribe the number of round trips of such travel that will be paid for in each year.

Subsection 4. Subsection 66 (5) of the Act, which relates to travel and accommodation within certain electoral districts and to travel in other electoral districts due to unusual or special circumstances, is re-enacted as subsections 66 (5) and (6) to separate the two situations and to authorize the Board of Internal Economy to prescribe the annual limits of the amounts that may be paid for such expenses.

Subsection 66 (6) of the Act, which relates to business travel, is re-enacted as subsections 66 (6a) and (6b) to authorize the Board of Internal Economy to prescribe the number of round trips and the annual limit that may be paid, and to change the reference from "mile" to "kilometre" in relation to travel by private automobile.

SECTION 7. Clause 67 (1) (a) of the Act provides for payment of an allowance to a member of a committee of the Assembly for every mile of travel by private automobile related to a meeting of the committee. The amendment changes the reference from "mile" to "kilometre".

SECTION 8. Additional indemnities are increased:

1. For the Opposition House Leader, from $8,900 to $9,332.
2. For the House Leader of the Third Party, from $6,700 to $7,025.

SECTION 9. Section 91 of the Act deals with disciplinary matters related to the staff of the Office of the Assembly. The section now provides for a decision by the Speaker, after a hearing, and then an appeal to the Public Service Grievance Board.

New section 91a of the Act sets out the authority of the Speaker in discipline matters. New section 91b provides for a recommendation to the Speaker by a senior officer of the Office of the Assembly after the employee is given an opportunity to make submissions to the senior officer. The term "senior officer" is defined in section 91 of the Act, set out in the Bill. New section 91c requires the Speaker to give notice to the employee of the action the Speaker proposes to take and of the employee's entitlement to a hearing. Under new section 91d, the Speaker must refer the matter to a hearing board if the employee requires a hearing. If the employee does not require a hearing, the Speaker may carry out the proposed action.

New section 91e provides for the composition of a hearing board, sets out the duties of and rules of procedure for a hearing board, and requires the Speaker to carry out the recommendation of the hearing board. Hearing boards will be composed of a chairman, appointed by the Speaker after consulting the chairman of the Public Service Grievance Board, one member who is a senior officer in the Office of the Assembly and who is appointed to the hearing board by the Speaker, and one member appointed by the employee whose conduct is the subject-matter of the proceeding. The section also sets out rules of procedure for proceedings before a hearing board.

New section 91f provides for service of notices or documents under sections 91a to 91e.

Bill 78 1983

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1982, chapter 43, section 1, are repealed and the following substituted therefor: s. 60 (1, 2), re-enacted

(1) An indemnity at the rate of $33,345 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) An allowance for expenses at the rate of $11,130 shall be paid to every member of the Assembly. Members' allowances.

2. Section 61 of the said Act is repealed and the following substituted therefor: s. 61, re-enacted

61. In addition to his indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses, Leaders' allowances

(a) to the Premier, at the rate of $6,300 per annum;

(b) to the Leader of the Opposition, at the rate of $4,200 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $2,100 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 2, is repealed and the following substituted therefor: s. 62 (1), re-enacted

Indemnity of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to his indemnity as a member, there shall be paid,

(a) to the Speaker an indemnity at the rate of $18,035 per annum;

(b) to the Leader of the Opposition an indemnity at the rate of $24,432 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of $12,268.

s. 64 (1), re-enacted

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 3, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and Chairmen of standing committees, indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $7,549 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of $5,243 per annum; and

(c) to the chairman of each standing committee at the rate of $4,089 per annum.

s. 65 (1), re-enacted

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 4, is repealed and the following substituted therefor:

Whips, indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Chief Government Whip, at the rate of $9,332 per annum;

(b) to the Deputy Government Whip, at the rate of $6,396 per annum;

(c) to each of not more than three Government Whips, at the rate of $4,613 per annum;

(d) to the Chief Opposition Whip, at the rate of $6,396 per annum;

(e) to each of not more than two Opposition Whips, at the rate of $4,613 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $5,243 per annum, and

(ii) to the Party Whip of the party, at the rate of $4,194 per annum.

6.—(1) Subsection 66 (1) of the said Act is amended by striking out "mile" in the fifth line and inserting in lieu thereof "kilometre". s. 66 (1), amended

(2) Subsections 66 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 5, are repealed and the following substituted therefor: s. 66 (2, 3), re-enacted

(2) A member of the Assembly who travels on business as a member of the Assembly between the member's residence and the seat of government at Toronto shall be paid the actual and reasonable cost of transportation for such travel for such number of round trips as may be prescribed by the Board of Internal Economy. Expenses, travel to and from Toronto

(3) A member referred to in subsection (2) shall be paid the actual and reasonable cost of transportation for such number of round trips between the member's residence and the seat of government at Toronto as may be prescribed by the Board of Internal Economy for the member's spouse or persons in such relationship to the member as may be prescribed by the Board of Internal Economy. Spouse or family member

(3) Subsection 66 (3a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 29, section 5, is repealed and the following substituted therefor: s. 66 (3a), re-enacted

(3a) Payment for transportation under subsections (2) and (3) shall be made, Cost of transportation re subss. (2, 3)

(a) for travel by airplane, on the basis of scheduled airline economy fare;

(b) for travel by train, on the basis of first class train accommodation together with the actual and reasonable cost of berths; and

(c) for travel by bus, on the basis of bus fare,

together with the actual and reasonable cost of meals and gratuities incurred in the course of the transportation.

s. 66 (5,6), re-enacted

(4) Subsections 66 (5) and (6) of the said Act are repealed and the following substituted therefor:

Expenses, travel and accommodation within certain electoral districts

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost of transportation by airplane within the electoral district and the actual cost of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly, but the total amount paid to the member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses, accommodation in unusual or special circumstances

(6) A member of the Assembly, other than the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon, may be paid such of the member's actual costs of accommodation within the electoral district represented by the member expended due to unusual or special circumstances while on business as a member of the Assembly as are approved by the Board of Internal Economy, but the total amount paid to a member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses, business travel

(6a) A member of the Assembly who travels on business as a member of the Assembly from the member's residence or from the seat of government at Toronto shall be paid the lesser of,

(a) the total cost incurred by the member for such number of round trip travels as may be prescribed by the Board of Internal Economy; or

(b) the annual limit prescribed by the Board of Internal Economy.

Cost of transportation re subs. (6a)

(6b) For the purposes of subsection (6a), the cost of transportation,

(a) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(b) by rented automobile shall be the cost of the rental, including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and

(c) by private automobile shall be an allowance for every kilometre of such transportation in such amount as may be determined from time to time by the Board of Internal Economy.

7. Clause 67 (1) (a) of the said Act is amended by striking out "mile" in the fifth line and inserting in lieu thereof "kilometre". s. 67 (1) (a), amended

8. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 8, is repealed and the following substituted therefor: s. 69, re-enacted

69. In addition to his indemnity as a member, an indemnity shall be paid, House Leaders' indemnities

(a) to the Opposition House Leader, at the rate of $9,332 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $7,025 per annum.

9.—(1) Section 91 of the said Act is repealed and the following substituted therefor: s. 91, re-enacted; ss. 91a-91f, enacted

91. In sections 91a to 91f, "senior officer" means the Clerk of the Legislative Assembly, the Director of Administration or the Director of the Legislative Library, Research and Information Services. Interpretation

91a.—(1) The Speaker may dismiss, suspend or reprimand for misconduct an employee of the Office of the Assembly appointed by the Speaker. Discipline

(2) The Speaker may suspend or reprimand for misconduct an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly, appointed by the Lieutenant Governor in Council. Idem

(3) The Speaker may recommend to the Lieutenant Governor in Council the dismissal for misconduct of an employee of the Office of the Assembly, other than the Clerk of the Legisla- Idem

tive Assembly, appointed by the Lieutenant Governor in Council.

Recommendation to Speaker

91b.—(1) The senior officer of a division of the Office of the Assembly may recommend to the Speaker that the Speaker proceed under section 91a in respect of an employee employed in the division.

Notice of proposed recommendation

(2) The senior officer shall give to the employee written notice of the proposed recommendation and shall receive and consider the submissions, if any, of the employee before making such recommendation to the Speaker as the senior officer considers appropriate.

Notice by Speaker

91c.—(1) Before acting under section 91a in respect of an employee, the Speaker shall give to the employee written notice of the proposed action.

Content of notice

(2) A notice under subsection (1) shall inform the employee that the employee is entitled to a hearing by a hearing board if the employee gives to the Speaker, within fifteen days after the Speaker's notice is given to the employee, written notice requiring a hearing and the employee may so require such a hearing.

Referral to hearing board

91d.—(1) Where the employee requires a hearing by a hearing board in accordance with section 91c, the Speaker shall refer the matter to a hearing board.

Where hearing not required

(2) Where the employee does not require a hearing by a hearing board in accordance with section 91c, the Speaker may carry out the action proposed in the Speaker's notice given to the employee.

Composition of hearing board

91e.—(1) A hearing board shall be composed of a chairman, one member representing the Office of the Assembly and one member representing the employee who required the hearing.

Appointment of chairman

(2) The Speaker shall appoint the chairman of a hearing board after requesting and considering the views of the chairman of the Public Service Grievance Board.

Appointment of member by Speaker

(3) The Speaker shall appoint as a member of the hearing board a senior officer of the Office of the Assembly other than the senior officer of the division in which the employee is employed.

Appointment of member by employee

(4) The Speaker shall give written notice to the employee to appoint a member of the hearing board and the employee within ten days after receiving the notice,

(a) shall appoint as a member of the hearing board a person who has indicated his or her willingness to act; and

(b) shall give written notice to the Speaker and to the chairman of the hearing board of the name and address of the member.

Where employee fails to appoint member

(5) Where the employee fails to appoint a member of the hearing board or to give the written notice required by subsection (4) within the period of ten days mentioned in that subsection, the Speaker shall appoint as a member such person as the Speaker considers suitable, but a person who is an employee of the Office of the Assembly is not eligible for appointment under this subsection.

Remuneration and expenses

(6) The chairman of a hearing board and the member of the hearing board appointed by or for the employee who required the hearing by the hearing board shall be paid such remuneration and expenses on a per diem or other basis as the Board of Internal Economy may fix.

Duties of hearing board

(7) A hearing board shall,

(a) consider the allegations, hear the evidence and ascertain the facts of the case;

(b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(c) determine whether in respect of the allegations so proved the employee is guilty of misconduct.

Recommendation by hearing board

(8) A hearing board that determines that an employee is guilty of misconduct shall recommend to the Speaker the penalty to be imposed under section 91a.

Idem

(9) A hearing board that determines that an employee is not guilty of misconduct shall recommend to the Speaker that no penalty be imposed under section 91a.

Duty of Speaker

(10) The Speaker shall carry out the recommendation of the hearing board under subsection (8) or (9).

Rules of procedure

(11) The following rules apply to proceedings before a hearing board:

1. The parties to the proceedings are the Office of the Assembly and the employee whose conduct is the subject of the proceedings.

2. Each party shall afford to the other party an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

3. The chairman and members of the hearing board must not have taken part before the hearing in any investigation of the subject-matter of the hearing other than in considering the referral of the matter to the Speaker or to a hearing board.

4. The chairman and members of the hearing board shall not communicate directly or indirectly in relation to the subject-matter of the proceedings with any person or with a party or a representative of a party except upon notice to and opportunity for both parties to participate.

5. The hearing board may seek legal advice from a person who is not an adviser to a party, but the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

6. The oral evidence taken before the hearing board shall be recorded and a party is entitled to a copy of a transcript thereof upon the same terms as in the Supreme Court.

7. The chairman or a member of the hearing board shall not participate in the decision of the hearing board pursuant to the hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.

8. The hearing board shall, upon the request of the person who produced them, release documents and things put in evidence to the person within a reasonable time after the matter has been concluded by the hearing board.

Notice

91f. A notice or document required under sections 91a to 91e is sufficiently given, served or delivered if delivered personally or by registered mail, and there is a rebuttable presumption that a notice or document sent to a person by registered mail addressed to the person at the last address of the

person in the records of the Office of the Assembly is delivered to the person on the tenth day after the day of mailing.

Transition

(2) Where a hearing has been commenced respecting the misconduct or unfitness of an employee of the Office of the Assembly before subsection (1) comes into force, section 91 of the said Act continues in force in respect of the employee as if it had not been repealed and re-enacted by subsection (1).

Commencement

10.—(1) This Act, except section 9, shall be deemed to have come into force on the 1st day of April, 1983.

Idem

(2) Section 9 comes into force on the day this Act receives Royal Assent.

Short title

11. The short title of this Act is the *Legislative Assembly Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 78

(Chapter 50
Statutes of Ontario, 1983)

An Act to amend the Legislative Assembly Act

The Hon. T. L. Wells
Minister of Intergovernmental Affairs

1st Reading	June 21st, 1983
2nd Reading	June 21st, 1983
3rd Reading	June 21st, 1983
Royal Assent	June 21st, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 78 1983

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1982, chapter 43, section 1, are repealed and the following substituted therefor: s. 60 (1, 2), re-enacted

(1) An indemnity at the rate of $33,345 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) An allowance for expenses at the rate of $11,130 shall be paid to every member of the Assembly. Members' allowances,

2. Section 61 of the said Act is repealed and the following substituted therefor: s. 61, re-enacted

61. In addition to his indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses, Leaders' allowances

(a) to the Premier, at the rate of $6,300 per annum;

(b) to the Leader of the Opposition, at the rate of $4,200 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $2,100 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 2, is repealed and the following substituted therefor: s. 62 (1), re-enacted

Indemnity of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to his indemnity as a member, there shall be paid,

(a) to the Speaker an indemnity at the rate of $18,035 per annum;

(b) to the Leader of the Opposition an indemnity at the rate of $24,432 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of $12,268.

s. 64 (1), re-enacted

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 3, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and Chairmen of standing committees, indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $7,549 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of $5,243 per annum; and

(c) to the chairman of each standing committee at the rate of $4,089 per annum.

s. 65 (1), re-enacted

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 4, is repealed and the following substituted therefor:

Whips, indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Chief Government Whip, at the rate of $9,332 per annum;

(b) to the Deputy Government Whip, at the rate of $6,396 per annum;

(c) to each of not more than three Government Whips, at the rate of $4,613 per annum;

(d) to the Chief Opposition Whip, at the rate of $6,396 per annum;

(e) to each of not more than two Opposition Whips, at the rate of $4,613 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $5,243 per annum, and

(ii) to the Party Whip of the party, at the rate of $4,194 per annum.

6.—(1) Subsection 66 (1) of the said Act is amended by striking out "mile" in the fifth line and inserting in lieu thereof "kilometre". s. 66 (1), amended

(2) Subsections 66 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 5, are repealed and the following substituted therefor: s. 66 (2, 3), re-enacted

(2) A member of the Assembly who travels on business as a member of the Assembly between the member's residence and the seat of government at Toronto shall be paid the actual and reasonable cost of transportation for such travel for such number of round trips as may be prescribed by the Board of Internal Economy. Expenses, travel to and from Toronto

(3) A member referred to in subsection (2) shall be paid the actual and reasonable cost of transportation for such number of round trips between the member's residence and the seat of government at Toronto as may be prescribed by the Board of Internal Economy for the member's spouse or persons in such relationship to the member as may be prescribed by the Board of Internal Economy. Spouse or family member

(3) Subsection 66 (3a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 29, section 5, is repealed and the following substituted therefor: s. 66 (3a), re-enacted

(3a) Payment for transportation under subsections (2) and (3) shall be made, Cost of transportation re subss. (2, 3)

(a) for travel by airplane, on the basis of scheduled airline economy fare;

(b) for travel by train, on the basis of first class train accommodation together with the actual and reasonable cost of berths; and

(c) for travel by bus, on the basis of bus fare,

together with the actual and reasonable cost of meals and gratuities incurred in the course of the transportation.

s. 66 (5,6), re-enacted

(4) Subsections 66 (5) and (6) of the said Act are repealed and the following substituted therefor:

Expenses, travel and accommodation within certain electoral districts

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost of transportation by airplane within the electoral district and the actual cost of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly, but the total amount paid to the member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses, accommodation in unusual or special circumstances

(6) A member of the Assembly, other than the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon, may be paid such of the member's actual costs of accommodation within the electoral district represented by the member expended due to unusual or special circumstances while on business as a member of the Assembly as are approved by the Board of Internal Economy, but the total amount paid to a member in each year under this subsection shall not exceed the annual limit prescribed by the Board of Internal Economy for the purposes of this subsection.

Expenses, business travel

(6a) A member of the Assembly who travels on business as a member of the Assembly from the member's residence or from the seat of government at Toronto shall be paid the lesser of,

(a) the total cost incurred by the member for such number of round trip travels as may be prescribed by the Board of Internal Economy; or

(b) the annual limit prescribed by the Board of Internal Economy.

Cost of transportation re subs. (6a)

(6b) For the purposes of subsection (6a), the cost of transportation,

(a) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(b) by rented automobile shall be the cost of the rental, including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and

(c) by private automobile shall be an allowance for every kilometre of such transportation in such amount as may be determined from time to time by the Board of Internal Economy.

7. Clause 67 (1) (a) of the said Act is amended by striking out "mile" in the fifth line and inserting in lieu thereof "kilometre". s. 67 (1) (a), amended

8. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 8, is repealed and the following substituted therefor: s. 69, re-enacted

69. In addition to his indemnity as a member, an indemnity shall be paid, House Leaders' indemnities

(a) to the Opposition House Leader, at the rate of $9,332 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $7,025 per annum.

9.—(1) Section 91 of the said Act is repealed and the following substituted therefor: s. 91, re-enacted; ss. 91a-91f, enacted

91. In sections 91a to 91f, "senior officer" means the Clerk of the Legislative Assembly, the Director of Administration or the Director of the Legislative Library, Research and Information Services. Interpretation

91a.—(1) The Speaker may dismiss, suspend or reprimand for misconduct an employee of the Office of the Assembly appointed by the Speaker. Discipline

(2) The Speaker may suspend or reprimand for misconduct an employee of the Office of the Assembly, other than the Clerk of the Legislative Assembly, appointed by the Lieutenant Governor in Council. Idem

(3) The Speaker may recommend to the Lieutenant Governor in Council the dismissal for misconduct of an employee of the Office of the Assembly, other than the Clerk of the Legisla- Idem

tive Assembly, appointed by the Lieutenant Governor in Council.

Recommendation to Speaker

91b.—(1) The senior officer of a division of the Office of the Assembly may recommend to the Speaker that the Speaker proceed under section 91a in respect of an employee employed in the division.

Notice of proposed recommendation

(2) The senior officer shall give to the employee written notice of the proposed recommendation and shall receive and consider the submissions, if any, of the employee before making such recommendation to the Speaker as the senior officer considers appropriate.

Notice by Speaker

91c.—(1) Before acting under section 91a in respect of an employee, the Speaker shall give to the employee written notice of the proposed action.

Content of notice

(2) A notice under subsection (1) shall inform the employee that the employee is entitled to a hearing by a hearing board if the employee gives to the Speaker, within fifteen days after the Speaker's notice is given to the employee, written notice requiring a hearing and the employee may so require such a hearing.

Referral to hearing board

91d.—(1) Where the employee requires a hearing by a hearing board in accordance with section 91c, the Speaker shall refer the matter to a hearing board.

Where hearing not required

(2) Where the employee does not require a hearing by a hearing board in accordance with section 91c, the Speaker may carry out the action proposed in the Speaker's notice given to the employee.

Composition of hearing board

91e.—(1) A hearing board shall be composed of a chairman, one member representing the Office of the Assembly and one member representing the employee who required the hearing.

Appointment of chairman

(2) The Speaker shall appoint the chairman of a hearing board after requesting and considering the views of the chairman of the Public Service Grievance Board.

Appointment of member by Speaker

(3) The Speaker shall appoint as a member of the hearing board a senior officer of the Office of the Assembly other than the senior officer of the division in which the employee is employed.

Appointment of member by employee

(4) The Speaker shall give written notice to the employee to appoint a member of the hearing board and the employee within ten days after receiving the notice,

(a) shall appoint as a member of the hearing board a person who has indicated his or her willingness to act; and

(b) shall give written notice to the Speaker and to the chairman of the hearing board of the name and address of the member.

Where employee fails to appoint member

(5) Where the employee fails to appoint a member of the hearing board or to give the written notice required by subsection (4) within the period of ten days mentioned in that subsection, the Speaker shall appoint as a member such person as the Speaker considers suitable, but a person who is an employee of the Office of the Assembly is not eligible for appointment under this subsection.

Remuneration and expenses

(6) The chairman of a hearing board and the member of the hearing board appointed by or for the employee who required the hearing by the hearing board shall be paid such remuneration and expenses on a per diem or other basis as the Board of Internal Economy may fix.

Duties of hearing board

(7) A hearing board shall,

(a) consider the allegations, hear the evidence and ascertain the facts of the case;

(b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(c) determine whether in respect of the allegations so proved the employee is guilty of misconduct.

Recommendation by hearing board

(8) A hearing board that determines that an employee is guilty of misconduct shall recommend to the Speaker the penalty to be imposed under section 91a.

Idem

(9) A hearing board that determines that an employee is not guilty of misconduct shall recommend to the Speaker that no penalty be imposed under section 91a.

Duty of Speaker

(10) The Speaker shall carry out the recommendation of the hearing board under subsection (8) or (9).

Rules of procedure

(11) The following rules apply to proceedings before a hearing board:

1. The parties to the proceedings are the Office of the Assembly and the employee whose conduct is the subject of the proceedings.

2. Each party shall afford to the other party an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

3. The chairman and members of the hearing board must not have taken part before the hearing in any investigation of the subject-matter of the hearing other than in considering the referral of the matter to the Speaker or to a hearing board.

4. The chairman and members of the hearing board shall not communicate directly or indirectly in relation to the subject-matter of the proceedings with any person or with a party or a representative of a party except upon notice to and opportunity for both parties to participate.

5. The hearing board may seek legal advice from a person who is not an adviser to a party, but the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

6. The oral evidence taken before the hearing board shall be recorded and a party is entitled to a copy of a transcript thereof upon the same terms as in the Supreme Court.

7. The chairman or a member of the hearing board shall not participate in the decision of the hearing board pursuant to the hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.

8. The hearing board shall, upon the request of the person who produced them, release documents and things put in evidence to the person within a reasonable time after the matter has been concluded by the hearing board.

Notice

91f. A notice or document required under sections 91a to 91e is sufficiently given, served or delivered if delivered personally or by registered mail, and there is a rebuttable presumption that a notice or document sent to a person by registered mail addressed to the person at the last address of the

person in the records of the Office of the Assembly is delivered to the person on the tenth day after the day of mailing.

Transition

(2) Where a hearing has been commenced respecting the misconduct or unfitness of an employee of the Office of the Assembly before subsection (1) comes into force, section 91 of the said Act continues in force in respect of the employee as if it had not been repealed and re-enacted by subsection (1).

Commencement

10.—(1) This Act, except section 9, shall be deemed to have come into force on the 1st day of April, 1983.

Idem

(2) Section 9 comes into force on the day this Act receives Royal Assent.

Short title

11. The short title of this Act is the *Legislative Assembly Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 79

An Act respecting Advertising by Governmental Organizations

Mr. Foulds

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to control the type of advertising placed by the Government of Ontario in broadcasting and print media. The Bill prohibits the placement of advertisements by the Government of Ontario that have the effect of promoting directly or indirectly the political party to which the members of the Executive Council belong. The Bill authorizes the Commission on Election Contributions and Expenses to receive and inquire into complaints concerning government advertising. If the Commission determines that a government advertisement does directly or indirectly promote the political party to which the members of the Executive Council belong, the Government of Ontario must immediately withdraw the advertisement from further use.

Bill 79 **1983**

An Act respecting Advertising by Governmental Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Commission" means the Commission on Election Contributions and Expenses established under the *Election Finances Reform Act*; R.S.O. 1980, c. 134

(b) "governmental organization" means a ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof.

Political advertising by government prohibited

2. No governmental organization shall,

(a) advertise on the facilities of any broadcasting undertaking; or

(b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

if the effect of the advertisement is to promote directly or indirectly the political party to which the members of the Executive Council belong.

Prohibited government advertising

3.—(1) An advertisement placed by a governmental organization promotes the political party to which the members of the Executive Council belong if,

(a) the advertisement contains a logo, slogan, motto or name that is similar to or likely to be identified with a logo, slogan, motto or name of the political party;

(b) the advertisement features a photograph or voice recording of a member of the Executive Council; or

(c) the advertisement contravenes guidelines on government advertising established by the Commission.

Guidelines

(2) The Commission shall, within one year after the day on which this Act comes into force, establish guidelines for governmental organizations to assist such organizations in complying with section 2 when placing government advertisements.

Complaint

4.—(1) Where a person believes that a government advertisement contravenes section 2, the person may file a complaint in writing with the Commission concerning the advertisement.

Report

(2) The Commission shall inquire into every complaint and shall make a report within twenty-one days after the complaint was filed to the Speaker of the Assembly or, if the Assembly is dissolved, to the Chief Election Officer indicating whether or not, in the opinion of the Commission, the government advertisement promotes directly or indirectly the political party to which the members of the Executive Council belong.

Withdrawal of advertisement

(3) Where the Commission determines that a government advertisement contravenes section 2, the governmental organization that placed the advertisement shall immediately cease to broadcast or publish the advertisement and, where possible, shall withdraw the advertisement from existing uses.

Public examination of report

(4) Upon receipt of the Commission's report, the Speaker or the Chief Election Officer, as the case may be, shall provide a copy of the report to the person who filed the complaint, shall make the report available for public examination and shall cause the report to be tabled in the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Government Advertising Control Act, 1983*.

Bill 80

An Act to amend the Election Finances Reform Act

Mr. Foulds

1st Reading June 21st, 1983

2nd Reading

3rd Reading

Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to prohibit advertising by the Government of Ontario during a provincial election campaign. The Bill contains exemptions from the general prohibition for advertising related to the administration of the election and advertising required for emergency purposes.

Bill 80 1983

An Act to amend the Election Finances Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 38a, enacted

38a.—(1) The Government of Ontario shall not, during the period between the day the writ for an election is issued and polling day, Limitation on government advertising

(a) advertise on the facilities of any broadcasting undertaking; or

(b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for any purpose.

(2) Subsection (1) does not apply, Exceptions

(a) to any advertisement respecting the enumeration and revision of lists of voters or respecting any other matter in relation to the administration of the election; and

(b) to any advertisement required for emergency purpose, the subject-matter of which is approved before the advertisement is broadcast or published by the leader of each political party represented in the Assembly at the time the writ for the election was issued.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Election Finances Reform Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 81

An Act to amend the Election Finances Reform Act

Mr. Philip

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to clarify that municipal corporations are not entitled to make contributions under the Act.

Bill 81 1983

An Act to amend the Election Finances Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. **Subsection 1 (1) of the *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:** s. 1 (1), amended

(ga) "corporation" does not include a municipal corporation.

2. **This Act comes into force on the day it receives Royal Assent.** Commencement

3. **The short title of this Act is the *Election Finances Reform Amendment Act, 1983*.** Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 82

An Act to provide for Equal Pay for Work of Equal Value

Ms. Bryden

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill would repeal Part IX of the Act (Equal Pay for Equal Work) and substitute, instead, a new Part entitled "Equal Pay for Work of Equal Value".

The new Part IX requires an employer to pay his or her male and female employees equal amounts for work of equal value. An assessment of the value of work may be made by an employment standards officer, and the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed. The reduction of wages to achieve compliance is prohibited. Employees and employee organizations are entitled to make complaints and are given appeal rights that correspond to those available to employers.

Bill 82 1983

An Act to provide for Equal Pay for Work of Equal Value

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 33, re-enacted

PART IX

EQUAL PAY FOR WORK OF EQUAL VALUE

33.—(1) No employer or person acting on behalf of an employer shall establish or maintain any difference in wages paid to a male and to a female employee employed in the same establishment who are performing work of equal value unless the difference is based on seniority or quantity of production. Equal pay for work of equal value

(2) An employment standards officer may assess the value of work performed for the purposes of subsection (1) and, where the officer finds that an employer has failed to comply with subsection (1), the officer may determine the amount of moneys owing to an employee because of such non-compliance, including any expenses incurred by the employee in enforcing subsection (1), and the amount shall be deemed to be unpaid wages. Determination by employment standards officer

(3) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed. Assessment of value of work

(4) Separate establishments established or maintained by an employer solely or principally for the purposes of establishing or maintaining differences in wages between male and female Separate establishments

employees shall be deemed for the purposes of this Part to be a single establishment.

Pay not to be reduced

(5) No employer shall reduce the rate of pay of an employee in order to comply with subsection (1).

Employer not to be requested to contravene subs. (1)

(6) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his or her employees wages that are in contravention of subsection (1).

Complaints

(7) A complaint that an employer contravenes this section may be made by an employee, a class of employees employed in the same establishment or an employees' organization.

Review and hearing

(8) An employer, employee or class of employees that is aggrieved by a decision or order made by an employment standards officer under this Part or section 47 may, within a period of fifteen days after the date of delivery, service or notice of the decision or order, or such longer period as the Director may for special reasons allow, apply for a review of the decision or order by way of a hearing before a referee and subsections 50 (2) to (7) apply to the review, with necessary modifications, except that the referee has the power to make an order under section 47 in addition to the powers conferred by section 50.

Annual report

(9) The Minister shall table a report annually in the Legislature on the progress of compliance with this Part and the annual reports shall be referred to a standing or special committee of the Legislature every three years.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Employment Standards Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 83

An Act for the Protection of Video Display Terminal Operators

Mr. Johnston

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The purpose of the Bill is to protect the health of video display terminal operators by regulating the conditions of their employment and setting standards for the operation of terminals.

SECTIONS 1 AND 2. Self-explanatory.

SECTION 3. The sale or leasing of terminals which emit any form of radiation other than visible light is prohibited. Radiation shielding is a requirement and universal radiation testing at point of production is mandatory. Records of tests are to be delivered to purchasers or lessees.

SECTION 4. Detailed standards are prescribed for the operation of terminals. A transitional provision gives one year's grace for terminals already in operation.

SECTION 5. Employers are required to have terminals tested, inspected and maintained semi-annually and to have lighting surveys conducted. Full records are to be kept and made available to operators and trade unions representing operators.

SECTION 6. Mandatory rest periods and maximum hours of operation are prescribed.

SECTION 7. Operators are permitted to cease working at terminals during pregnancy and while awaiting the results of pregnancy tests.

SECTION 8. An operator suffering from a medical condition that may be caused by operation of a terminal is permitted to cease working at a terminal until it has been inspected and any malfunction has been corrected.

SECTION 9. Operators who exercise their rights to request not to work at a terminal may be assigned reasonable alternative work at equal pay with no loss of seniority or benefits.

SECTION 10. Regular eye examinations at the employer's expense are prescribed. Operators are to be reimbursed for the cost of corrective lenses. The results of eye examinations are not to be used for personnel screening.

SECTION 11. Employers are required to provide operators with information about the possible health effects of working at terminals and with training in their safe operation.

SECTION 12. The use of terminals for individual monitoring of operators is prohibited.

SECTION 13. The operator is to have individual control of the speed of the work process.

SECTION 14. Bilateral health and safety committees with consultative powers are to be established, with powers to investigate conditions causing health effects, and with a right to actively participate in employer's decisions regarding introduction of technology into the workplace.

SECTION 15. Reprisals by employers are prohibited and grievances may be referred to the Ontario Labour Relations Board.

SECTION 16. The Bill adopts the inspection and enforcement provisions of the *Occupational Health and Safety Act*.

SECTION 17. The maximum fine for a contravention of the Act or regulations will be $25,000.

SECTION 18. Self-explanatory.

Bill 83 **1983**

An Act for the Protection of Video Display Terminal Operators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "flicker rate" means the rate, measured in Hertz, at which images on the screen of a terminal are refreshed;

(b) "health" means,

(i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers,

(ii) the prevention among workers of ill health caused by their working conditions,

(iii) the protection of workers in their employment from factors adverse to their health, and

(iv) the placing and maintenance of workers in occupational environments which are adapted to their individual physiological and psychological conditions;

(c) "health effect" means,

(i) a temporary or permanent deterioration of visual acuity,

(ii) headaches,

(iii) a burning sensation of the eyes,

(iv) muscular and skeletal problems,

(v) changes in colour perception, and

(vi) such other health effect or effects as may be defined by the regulations;

(d) "inspector" means an inspector appointed under the *Occupational Health and Safety Act*; R.S.O. 1980, c. 321

(e) "operator" means a person who does any work at a terminal;

(f) "radiation" includes but is not limited to X-radiation, ultraviolet radiation, microwave radiation, ultrasound, infrared radiation, radio frequencies and electromagnetic and static electric fields, and "radiation levels" has a corresponding meaning;

(g) "terminal" includes any electronic video screen data presentation machine, commonly called a video display terminal or cathode ray tube, any plasma screen, and any liquid crystal display, but does not include a television or oscilloscope screen except to the extent that it is used as a terminal for the presentation of data;

(h) "trade union" means a trade union as defined in the *Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a work place and includes an organization representing operators to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such operators. R.S.O. 1980, c. 228

Crown bound

2. This Act binds the Crown and any agency of the Crown.

Testing at point of sale

3.—(1) No person shall sell or lease a terminal in Ontario that has not been,

(a) tested to show that radiation levels conform with the regulations; and

(b) equipped with radiation shields conforming to the regulations.

Record of tests

(2) Every person selling or leasing a terminal shall deliver a full record of tests conducted under clause (1) (a) to the purchaser or lessee of the terminal.

4.—(1) No employer shall permit any operator employed by him to work at a terminal unless the following conditions are met: Duties of employer

1. The terminal shall be equipped with a detachable keyboard or other device readily adjustable by the operator.

2. The work station shall be equipped with a copy holder that is readily adjustable by the operator where copy is used in the work process.

3. The terminal shall be located on an adjustable table and the work station shall be provided with a chair that is readily adjustable for seat and backrest heights, angle and backrest tension by the operator when seated.

4. The terminal shall be equipped with brightness and contrast controls that are readily adjustable by the operator.

5. The terminal shall have character size and colour conforming to the regulations.

6. The terminal shall be equipped with a non-reflective screen surface or an anti-reflection filter.

7. Artificial and natural lighting in the office in which a terminal is located shall be readily adjustable, maximize the use of indirect lighting and minimize glare.

8. The terminal shall be provided with an individual lighting unit equipped with a dimmer switch and readily adjustable by the operator.

9. The terminal shall not have a flicker rate lower than that prescribed by the regulations.

10. The terminal shall minimize heat exposure to the operators by conforming to regulations specifying use of intervening ducts, walls, insulation or appropriate spacing.

11. The terminal shall not be situated in the same room as a printer unless the printer is equipped with acoustic protection so as to reduce noise levels to standard office noise levels.

12. The terminal shall be equipped with shielding conforming to regulations.

13. The terminal shall be equipped with an individual on-off switch controlled by the operator.

14. The terminal shall comply with any further standards prescribed by regulation.

Idem

(2) Where a terminal is in operation on the day before the day this Act comes into force, the employer shall comply with subsection (1) within one year of the day this Act comes into force.

Inspection and maintenance; testing for radiation levels

5.—(1) Every employer shall, at least once in each six-month period, cause each terminal in his possession to be,

(a) inspected and maintained by qualified perons; and

(b) tested for compliance with regulations on radiation emissions.

Lighting survey; records

(2) Every employer shall, upon enactment of this legislation or after a change in work process, cause a full lighting survey of all working areas containing terminals to be carried out by qualified persons, and shall cause full records of all inspections, maintenance, tests and surveys to be kept.

Access to records

(3) The records kept under subsection (2), subsection 3 (2) and section 8 shall be made available to all operators employed by the employer and to any representative selected by the trade union, if any, representing the operators.

Rest periods

6.—(1) Every employer of an operator shall allow the operator a fifteen minute period away from terminal work for each hour that the operator works at a terminal and shall not cause the operator to work at a terminal continuously for more than one hour.

Hours of work

(2) No employer shall cause an operator to work at a terminal for more than five hours in any twenty-four hour period.

Idem

(3) An operator whose contract of employment provides for normal working hours exceeding the maximum permitted by subsection (2) has the right to perform reasonable alternative work without loss of pay, seniority or other benefits during the balance of her normal working hours.

Rest area

(4) Every employer of an operator shall provide a rest area that is not located adjacent to a terminal.

Pregnancy of operator

7.—(1) While the goal is to eliminate any potential radiation hazard which could affect all operators, as an interim measure, an operator,

(a) who believes she may be pregnant, may, until it has been established that she is not pregnant, subject to subsection (2); or

(b) who provides her employer with the certificate of a legally qualified medical practitioner indicating that she is pregnant may, during her pregnancy,

request not to work at a terminal, without loss of pay, seniority or other benefits, and such request will be granted.

Idem

(2) Where an operator requests not to work at a terminal under clause (1) (a), and does not provide her employer with the certificate referred to in clause (1) (b) by a day ninety days from the day of her refusal, the employer may require her to resume work at a terminal.

Refusal to work

8. An operator who provides her employer with the certificate of a legally qualified medical practitioner indicating that she suffers from any physical condition that may be caused by operation of a terminal may request not to work at a terminal, without loss of pay, seniority or other benefits, until the terminal has been,

(a) inspected by a qualified person and repaired if necessary;

(b) tested for radiation levels; and

(c) shown to comply with subsection 4 (1).

Alternative work

9. Upon an operator's request not to work at a terminal under subsection 7 (1) or section 8, the employer may require her to perform reasonable alternative work.

Eye testing

10.—(1) Every employer of an employee shall permit the employee to undergo an eye examination from an ophthalmologist or optometrist of the employee's own choice, providing he is qualified to perform the tests as outlined in the regulations, during working hours without loss of pay before becoming an operator.

Idem

(2) Every employer of an operator shall permit the operator to undergo at least one eye examination from an ophthalmologist or optometrist of the operator's own choice in each six-month period during working hours without loss of pay.

Medical confidentiality R.S.O. 1980, c. 196

(3) Employers shall not solicit information on health status or health effects of operators that is not directly relevant and shall observe the provisions of the *Health Disciplines Act* and the regulations made under that Act on medical confidentiality.

Costs of examination and lenses

(4) The employer shall reimburse employees and operators for any costs in respect of such eye examinations which are not covered by the Ontario Health Insurance Plan or by a group plan and for any lenses, including frames, prescribed for employees and operators.

Transition

(5) Where an operator has been assigned to work at a terminal before the day this Act comes into force, the employer shall permit the operator to undergo an eye examination from an ophthalmologist or optometrist of the operator's own choice during paid working hours within ninety days of the day this Act comes into force.

Results not to be used for screening

(6) No employer shall use the results of eye examinations to screen prospective employees.

Employees to be advised of results

(7) Employees shall be advised of results of each test under this section.

Operator education

11. Every employer of an operator shall,

(a) post a copy of this Act prominently where the operator is usually stationed;

(b) provide the operator with notice of health effects and with information about the means of alleviation of health effects; and

(c) provide the operator with training in the safe operation of terminals.

Limitation of individual monitoring

12. No employer of an operator shall use a terminal to monitor the productivity of an operator on an individual basis.

Operator to set own pace

13. No employer shall set the work pace of the operator and the operator shall have individual control on the speed of the work process.

Health and safety committee

14.—(1) Every employer of an operator shall establish a health and safety committee consisting of at least two persons of whom at least half shall be operators to be selected by the operators they represent or, where there is a trade union or trade unions representing the operators, by the trade union or trade unions.

(2) The health and safety committee shall, Duties of committee

(a) investigate conditions causing health effects in the workplace and make recommendations to the employer for their correction;

(b) participate in the employer's decisions for acquisition of equipment;

(c) investigate, record and communicate to the employer the concerns of operators regarding health effects and working conditions.

15.—(1) No employer or person acting on behalf of an employer shall, No discipline, dismissal, etc., by employer

(a) dismiss or threaten to dismiss an operator;

(b) discipline or suspend or threaten to discipline or suspend an operator;

(c) impose any penalty upon an operator; or

(d) intimidate or coerce an operator,

because the operator has acted in compliance with this Act or the regulations or an order made thereunder or has sought the enforcement of this Act or the regulations.

(2) Where an operator complains that an employer or person acting on behalf of an employer has contravened subsection (1), the operator may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply, with necessary modifications, to the complaint. Arbitration

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection (2), and section 89 of the *Labour Relations Act*, except subsection (5), applies with necessary modifications, as if such section, except subsection (5), is enacted in and forms part of this Act. Inquiry by Ontario Labour Relations Board R.S.O. 1980, c. 228

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), sections 102, 103, 106, 108 and 109 of the *Labour Relations Act* apply with necessary modifications. Idem

Onus of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection (1) lies upon the employer or the person acting on behalf of the employer.

Jurisdiction when complaint by Crown employee

(6) The Ontario Labour Relations Board shall exercise jurisdiction under this section on a complaint by a Crown employee that the Crown has contravened subsection (1).

Board may substitute penalty

(7) Where on an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), the Board determines that an operator has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances.

Exception

R.S.O. 1980, c. 381

(8) Notwithstanding subsection (2), a person who is subject to a rule or code of discipline under the *Police Act* shall have his complaint in relation to an alleged contravention of subsection (1) dealt with under that Act.

Enforcement

R.S.O. 1980, c. 321

16. Subsection 6 (2) and sections 23, 28, 29, 31, 32, 33, 34, 35 and 36 of the *Occupational Health and Safety Act* apply, with necessary modifications, to the enforcement of this Act.

Offence

17. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $25,000.

Regulations

18.—(1) The Lieutenant Governor in Council may make such regulations as are advisable to protect the health and safety of operators.

Idem

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(a) prescribing character size and colour to be used in terminals;

(b) prescribing specifications for radiation shields to be installed or used in conjunction with terminals;

(c) prescribing a minimum flicker rate for terminals;

(d) prescribing radiation and electromagnetic standards and prescribing that exposure to X-radiation specifically be reduced to lowest detectable level;

(e) respecting the testing of terminals for radiation levels;

(f) defining qualified persons;

(g) defining health effects;

(h) prescribing standards for terminals;

(i) authorizing the conducting of comprehensive epidemiological studies of operators and studies of the synergistic effects of exposure to radiation from terminals;

(j) authorizing research for the development of improved instruments for radiation analysis; and

(k) defining kinds of eye examinations relevant to tests for VDT operators.

Commencement

19. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. The short title of this Act is the *VDT Operators' Safety Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 84

An Act respecting a Register of Ontario Land Information

Mr. Martel

1st Reading June 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would authorize the creation of a public register showing the ownership of all privately held land in Ontario, the use of the land, and whether its owner is a resident or non-resident of Canada. Every owner, purchaser or vendor of an interest in land in Ontario would be subject to a reporting requirement.

Bill 84 **1983**

An Act respecting a Register of Ontario Land Information

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(a) "Director" means the Director appointed under this Act;

(b) "interest in land" means the fee or the equity of redemption in or a power or right to grant, assign or exercise a power of appointment in respect of land;

(c) "non-resident corporation" means a corporation, regardless of the jurisdiction in which it was formed or organized, that,

(i) is controlled directly or indirectly by one or more non-resident persons,

(ii) has issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to one or more non-resident persons,

(iii) has issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to any one non-resident person,

(iv) has a board of directors, one-half or more of which is composed of non-resident persons, or

(v) in the case of a corporation without share capital, has a membership, one-half or more of which is composed of non-resident persons;

(d) "non-resident person" means,

(i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor a person who has been lawfully admitted to Canada for permanent residence in Canada,

(ii) a non-resident corporation,

(iii) a partnership, syndicate, association or other organization of which one-half or more of the members are non-resident persons or in which interests representing 50 per cent or more of the total value of the property of the partnership, syndicate, association or organization are beneficially owned by non-resident persons, or

(iv) a trust in which non-resident persons within the meaning of subclause (i), (ii) or (iii) hold 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom;

(e) "prescribed" means prescribed by the regulations made under this Act.

Ordinarily resident defined

(2) For the purpose of clause (1) (d), an individual shall be considered to be ordinarily resident in Canada if at the time the expression is being applied, the individual,

(a) has sojourned in Canada during the next preceding twenty-four months for a period of, or periods the aggregate of which is, 366 days or more;

(b) is a member of the Canadian Forces required to reside outside Canada;

(c) is an ambassador, minister, high commissioner, officer or servant of Canada, or is an agent-general, officer or servant of a province of Canada, and resided in Canada immediately prior to appointment or employment by Canada or a province of Canada or is entitled to receive representation allowances;

(d) is performing services in a country other than Canada under an international development assistance program of the Government of Canada that is prescribed for the purposes of paragraph 250 (1) (d) of

the *Income Tax Act* (Canada), and resided in Canada at any time in the three-month period preceding the day on which such services commenced; or R.S.C. 1952, c. 148

(e) resides outside Canada and is the spouse or child of, and is living with, an individual described in clause (b), (c) or (d).

Report re ownership and use

2.—(1) Every person who holds an interest in land in Ontario on the 31st day of December, 1983 shall, on or before the 1st day of April, 1984, file with the Director a report in the prescribed form,

(a) setting out the person's interest in the land;

(b) describing the use of the land;

(c) declaring whether the person is a non-resident person; and

(d) setting out the municipal address and a brief description of the land.

Idem

(2) Every person who acquires an interest in land in Ontario, whether by way of a conveyance, purchase of shares in a corporation that has such an interest, or otherwise, on or after the 31st day of December, 1983, shall within ninety days after the date of the conveyance or acquisition file with the Director a report in the prescribed form,

(a) setting out the person's interest in the land;

(b) describing the use of the land;

(c) declaring whether the person is a non-resident person; and

(d) setting out the municipal address and a brief description of the land.

Notice re disposition

(3) Every person who disposes of or conveys away an interest in land in Ontario after filing a report with respect to the land under subsection (1) or (2) shall, within ninety days after the date of the disposition or conveyance, file with the Director a notice in the prescribed form.

Where registration report not required

(4) Where a person files a report or notice under this section respecting an interest in land and the report or notice or accompanying material,

(a) provides information on other persons who are also required to file a report or notice respecting the land; and

(b) the information supplied under clause (a) is equivalent in nature and extent to the information required of a person filing a report or notice,

those other persons are not required to file a separate registration report respecting that land.

When resident deemed to be non-resident

3. For the purposes of this Act, where a person who is a resident of Canada has acquired or acquires an interest in land and knowingly holds that interest on behalf of a non-resident person, by agreement or otherwise, the first-named person shall be deemed to be a non-resident person in respect of that interest.

Contents of report and notice

4. Every report and notice shall set forth the prescribed information.

Appointment of Director

5. The Minister of Municipal Affairs and Housing may appoint a Director of a branch of the Ministry to administer and enforce this Act.

False information

6. No person shall furnish false information in any report or notice filed under this Act.

Offence

7. Every person who contravenes any provision of this Act or the regulations and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Public register

8. The Director shall maintain all reports and notices filed under section 2 in a register and shall make the register available for inspection and copying by the public at the Director's office during ordinary business hours.

Regulations

9. The Lieutenant Governor in Council may make regulations,

(a) prescribing the form of and the information to be contained in a report under subsection 2 (1) or (2);

(b) prescribing the form of and the information to be contained in a notice under subsection 2 (3);

(c) prescribing forms other than those mentioned in clauses (a) and (b) and providing for their use.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

11. The short title of this Act is the *Ontario Land Information Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 85

An Act to amend the Crop Insurance Act (Ontario)

The Hon. D. R. Timbrell
Minister of Agriculture and Food

1st Reading October 11th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to the re-enactment of subsection 5 (3) of the Act as set out in subsection 2 (2) of the Bill.

SECTION 2. Subsection 1. The re-enactment of clause 5 (1) (b) clarifies the power of the Commission to make regulations with respect to extended coverage under subsection 5 (3) and plans under section 6 of the Act.

Subsection 2. Subsection 5 (3) of the Act at present provides only for extended coverage under a plan with respect to loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations. Under the proposed subsection 5 (3) extended coverage, as defined in section 1 of the Bill, will also include loss arising from the destruction of stands of fruit trees and perennial plants by a peril designated in the regulations.

Bill 85 1983

An Act to amend the Crop Insurance Act (Ontario)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Crop Insurance Act (Ontario)*, being chapter 104 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(ba) "extended coverage" means insurance against,

(i) loss arising from the destruction in whole or in part of stands of fruit trees or perennial plants other than trees by a peril designated in the regulations, or

(ii) loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations.

2.—(1) Clause 5 (1) (b) of the said Act is repealed and the following substituted therefor: s. 5 (1) (b), re-enacted

(b) determining coverage and establishing values with respect to,

(i) insurable crops,

(ii) fruit trees and perennial plants, and

(iii) seeding and planting,

for the purposes of any plan.

(2) Subsection 5 (3) of the said Act is repealed and the following substituted therefor: s. 5 (3), re-enacted

(3) A plan may provide for extended coverage. Extended coverage

Retroactive regulations

3. A regulation made in 1983 under section 5 of the said Act, as amended by section 2 of this Act, may provide for extended coverage retroactive to the 1st day of December, 1982.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of December, 1982.

Short title

5. The short title of this Act is the *Crop Insurance Amendment Act (Ontario), 1983*.

Bill 85

(Chapter 54
Statutes of Ontario, 1983)

An Act to amend the Crop Insurance Act (Ontario)

The Hon. D. R. Timbrell
Minister of Agriculture and Food

1st Reading	October 11th, 1983
2nd Reading	November 1st, 1983
3rd Reading	November 8th, 1983
Royal Assent	November 9th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 85 1983

An Act to amend the Crop Insurance Act (Ontario)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Crop Insurance Act (Ontario)*, being chapter 104 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(ba) "extended coverage" means insurance against,

(i) loss arising from the destruction in whole or in part of stands of fruit trees or perennial plants other than trees by a peril designated in the regulations, or

(ii) loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations.

2.—(1) Clause 5 (1) (b) of the said Act is repealed and the following substituted therefor: s. 5 (1) (b), re-enacted

(b) determining coverage and establishing values with respect to,

(i) insurable crops,

(ii) fruit trees and perennial plants, and

(iii) seeding and planting,

for the purposes of any plan.

(2) Subsection 5 (3) of the said Act is repealed and the following substituted therefor: s. 5 (3), re-enacted

(3) A plan may provide for extended coverage. Extended coverage

Retroactive regulations

3. A regulation made in 1983 under section 5 of the said Act, as amended by section 2 of this Act, may provide for extended coverage retroactive to the 1st day of December, 1982.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of December, 1982.

Short title

5. The short title of this Act is the *Crop Insurance Amendment Act (Ontario), 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 86

An Act to amend certain Acts respecting Regional and Metropolitan Municipalities

The Hon. G. W. Taylor
Solicitor General

1st Reading October 11th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would remove from the Acts establishing the regional municipalities (except Ottawa-Carleton, which does not have a regional police board), and from the *Municipality of Metropolitan Toronto Act*, the present requirement that one member of a board of commissioners of police be a judge. A similar amendment was made to the *Police Act* in 1979.

Bill 86 1983

An Act to amend certain Acts respecting Regional and Metropolitan Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 74 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 74 (1), re-enacted

(1) The board of commissioners of police known as the Durham Regional Board of Commissioners of Police is continued and shall consist of, Durham Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

2. Subsection 69 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 69 (1), re-enacted

(1) The board of commissioners of police known as the Haldimand-Norfolk Regional Board of Commissioners of Police is continued and shall consist of, Haldimand-Norfolk Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

3. Subsection 80 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 80 (1), re-enacted

Halton Regional Board continued

(1) The board of commissioners of police known as the Halton Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 91 (1), re-enacted

4. Subsection 91 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Hamilton-Wentworth Regional Board continued

(1) The board of commissioners of police known as the Hamilton-Wentworth Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 117 (1), re-enacted

5. Subsection 117 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Niagara Regional Board continued

(1) The board of commissioners of police known as the Niagara Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 75 (1), re-enacted

6. Subsection 75 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Peel Regional Board continued

(1) The board of commissioners of police known as the Peel Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

7. Subsection 39 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 39 (1), re-enacted

(1) The board of commissioners of police known as the Sudbury Regional Board of Commissioners of Police is continued and shall consist of,

Sudbury Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

8. Subsection 110 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 110 (1), re-enacted

(1) The board of commissioners of police known as the Waterloo Regional Board of Commissioners of Police is continued and shall consist of,

Waterloo Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

9. Subsection 112 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 112 (1), re-enacted

(1) The board of commissioners of police known as the York Regional Board of Commissioners of Police is continued and shall consist of,

York Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

10.—(1) Subsection 177 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 177 (1), re-enacted

Composition of Metropolitan Board

(1) The Board of Commissioners of Police for the Metropolitan Corporation shall be known as the Metropolitan Board of Commissioners of Police and shall be composed of,

(a) the chairman of the Metropolitan Council;

(b) one member of the Metropolitan Council appointed by the Metropolitan Council; and

(c) three persons appointed by the Lieutenant Governor in Council.

s. 178, re-enacted

(2) Section 178 of the said Act is repealed and the following substituted therefor:

Remuneration

178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, R.S.O. 1980, c. 381, to the members of the Metropolitan Board appointed by the Lieutenant Governor in Council.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Regional and Metropolitan Municipalities Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 86

(Chapter 56
Statutes of Ontario, 1983)

An Act to amend certain Acts respecting Regional and Metropolitan Municipalities

The Hon. G. W. Taylor
Solicitor General

1st Reading	October 11th, 1983
2nd Reading	October 25th, 1983
3rd Reading	November 22nd, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 86 1983

An Act to amend certain Acts respecting Regional and Metropolitan Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 74 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 74 (1), re-enacted

(1) The board of commissioners of police known as the Durham Regional Board of Commissioners of Police is continued and shall consist of, Durham Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

2. Subsection 69 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 69 (1), re-enacted

(1) The board of commissioners of police known as the Haldimand-Norfolk Regional Board of Commissioners of Police is continued and shall consist of, Haldimand-Norfolk Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

3. Subsection 80 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 80 (1), re-enacted

Halton Regional Board continued

(1) The board of commissioners of police known as the Halton Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 91 (1), re-enacted

4. Subsection 91 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Hamilton-Wentworth Regional Board continued

(1) The board of commissioners of police known as the Hamilton-Wentworth Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 117 (1), re-enacted

5. Subsection 117 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Niagara Regional Board continued

(1) The board of commissioners of police known as the Niagara Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

s. 75 (1), re-enacted

6. Subsection 75 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Peel Regional Board continued

(1) The board of commissioners of police known as the Peel Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

7. Subsection 39 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 39 (1), re-enacted

(1) The board of commissioners of police known as the Sudbury Regional Board of Commissioners of Police is continued and shall consist of, Sudbury Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

8. Subsection 110 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 110 (1), re-enacted

(1) The board of commissioners of police known as the Waterloo Regional Board of Commissioners of Police is continued and shall consist of, Waterloo Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

9. Subsection 112 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 112 (1), re-enacted

(1) The board of commissioners of police known as the York Regional Board of Commissioners of Police is continued and shall consist of, York Regional Board continued

(a) two members of the Regional Council appointed by resolution of the Regional Council; and

(b) three persons appointed by the Lieutenant Governor in Council.

10.—(1) Subsection 177 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 177 (1), re-enacted

Composition of Metropolitan Board

(1) The Board of Commissioners of Police for the Metropolitan Corporation shall be known as the Metropolitan Board of Commissioners of Police and shall be composed of,

(a) the chairman of the Metropolitan Council;

(b) one member of the Metropolitan Council appointed by the Metropolitan Council; and

(c) three persons appointed by the Lieutenant Governor in Council.

s. 178, re-enacted

(2) Section 178 of the said Act is repealed and the following substituted therefor:

Remuneration

178. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Metropolitan Board appointed by the Lieutenant Governor in Council.

R.S.O. 1980, c. 381

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Regional and Metropolitan Municipalities Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 87

An Act to amend the Police Act

The Hon. G. W. Taylor
Solicitor General

1st Reading October 11th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would amend the *Police Act* to enlarge boards of commissioners of police, in municipalities with populations over 25,000 and in smaller municipalities that opt for expanded boards, from three to five members by adding an additional municipal and an additional provincial appointee.

Bill 87 1983

An Act to amend the Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 8 (2) and (4) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 8 (2, 4), re-enacted

(2) Subject to subsections (2a) and (3), the board shall consist of, Composition of board

(a) the head of the council; and

(b) two persons appointed by the Lieutenant Governor in Council.

(2a) The board of a municipality, Idem

(a) that has a population of more than 25,000 according to the last municipal census; or

(b) whose council determines by resolution that this subsection shall apply to the municipality,

shall consist of,

(c) the head of the council;

(d) one person appointed by resolution of the council; and

(e) three persons appointed by the Lieutenant Governor in Council.

. . . . .

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by Remuneration

the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of allowances to the other members of the board.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Police Amendment Act, 1983*.

Bill 87

An Act to amend the Police Act

The Hon. G. W. Taylor
Solicitor General

1st Reading October 11th, 1983
2nd Reading October 25th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would amend the *Police Act* to enlarge boards of commissioners of police, in municipalities with populations over 25,000 and in smaller municipalities that opt for expanded boards, from three to five members by adding an additional municipal and an additional provincial appointee.

No new appointments of judges and justices of the peace to boards of commissioners of police will be permitted.

Bill 87 1983

An Act to amend the Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 8 (2) and (4) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 8 (2, 4), re-enacted

(2) Subject to subsections (2a) and (3), the board shall consist of, Composition of board

(a) the head of the council; and

(b) two persons appointed by the Lieutenant Governor in Council.

(2a) The board of a municipality, Idem

(a) that has a population of more than 25,000 according to the last municipal census; or

(b) whose council determines by resolution that this subsection shall apply to the municipality,

shall consist of,

(c) the head of the council;

(d) one person appointed by resolution of the council; and

(e) three persons appointed by the Lieutenant Governor in Council.

. . . . .

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by Remuneration

the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of allowances to the other members of the board.

s. 8, amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection:

Judge, justice of peace ineligible

(4a) No judge or justice of the peace shall be appointed as a member of a board.

Application of s. 8 (4a)

(3) Subsection 8 (4a) of the said Act, as enacted by subsection (2) of this section, does not apply to a judge or justice of the peace who is a member of a board on the day this Act comes into force.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Police Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 87

(Chapter 57
Statutes of Ontario, 1983)

An Act to amend the Police Act

The Hon. G. W. Taylor
Solicitor General

1st Reading	October 11th, 1983
2nd Reading	October 25th, 1983
3rd Reading	November 22nd, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 87 1983

An Act to amend the Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 8 (2) and (4) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 8 (2, 4), re-enacted

(2) Subject to subsections (2a) and (3), the board shall consist of, Composition of board

(a) the head of the council; and

(b) two persons appointed by the Lieutenant Governor in Council.

(2a) The board of a municipality, Idem

(a) that has a population of more than 25,000 according to the last municipal census; or

(b) whose council determines by resolution that this subsection shall apply to the municipality,

shall consist of,

(c) the head of the council;

(d) one person appointed by resolution of the council; and

(e) three persons appointed by the Lieutenant Governor in Council.

. . . . .

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by Remuneration

the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of allowances to the other members of the board.

s. 8, amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection:

Judge, justice of peace ineligible

(4a) No judge or justice of the peace shall be appointed as a member of a board.

Application of s. 8 (4a)

(3) Subsection 8 (4a) of the said Act, as enacted by subsection (2) of this section, does not apply to a judge or justice of the peace who is a member of a board on the day this Act comes into force.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Police Amendment Act, 1983*.

Bill 88

An Act to amend the Human Tissue Gift Act

Mr. Van Horne

1st Reading October 11th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to facilitate the obtaining of human organs for transplant purposes by creating an automated register of the names of all persons entitled to insured services under the *Health Insurance Act*, indicating whether each person has filed a general or specific consent to *post mortem* organ donation, has filed an objection to the procedure or has done neither. Provision is made for the amendment of the register and for keeping it confidential.

Bill 88 1983

An Act to amend the Human Tissue Gift Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 5, amended

(2a) Subsection (1) does not apply where the register referred to in subsection 8a (2) contains a record of an objection, by the person who died or whose death is imminent, to the use after death of the person's body, or of the part or parts of the body in respect of which a consent is sought, for therapeutic purposes, medical education or scientific research. Where objection recorded

2. Part II of the said Act is amended by adding thereto the following section: s. 8a, enacted

8a.—(1) In this section, Interpretation

(a) "consent" means a consent given under clause 4 (1) (a);

(b) "objection" means a person's written statement indicating that the person objects to the use after death of the person's body, or of a part or parts of the body, for therapeutic purposes, medical education or scientific research.

(2) The Minister of Health shall maintain a register containing, Register of consents and objections

(a) the names and health insurance numbers of all insured persons as defined in the *Health Insurance Act*; and R.S.O. 1980, c. 197

(b) records of consents and objections of insured persons filed with the Ministry of Health.

Nature and amendment of register

(3) A record of a consent or objection contained in the register,

(a) shall be stored electronically or on a magnetic medium so as to be capable of being retrieved by reference to the name and health insurance number of the person who gave the consent or made the objection;

(b) shall be amended or deleted where the person who gave the consent or made the objection so requests; and

(c) may be deleted where the Minister of Health is satisfied that the person who gave the consent or made the objection has died.

Access to register

(4) No person shall have access to a record of a consent or objection except,

(a) the person who gave the consent or made the objection, and his or her personal representative;

(b) a physician who *bona fide* requires the information in connection with a proposed transplant, or a person acting on the physician's behalf; and

(c) an employee of the Minister of Health whose duties require access to the record.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Human Tissue Gift Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 89

An Act to amend the Mortgages Act

Mr. Cooke

1st Reading October 13th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to prevent a mortgagee who has repossessed or sold the mortgaged property from suing the mortgagor for the amount of the mortgage or for the difference between the amount of the mortgage and the sale price.

Bill 89 1983

An Act to amend the Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part I of the *Mortgages Act*, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 22a, enacted

22a.—(1) Notwithstanding any stipulation to the contrary, where a mortgagee, after the 1st day of April, 1983, Actions on covenant limited

(a) sells the land under a power of sale or a judgment for sale; or

(b) obtains a final order of foreclosure with respect to the land,

the mortgagee shall not begin or continue an action, or take any step to enforce a judgment, for the recovery of the mortgage debt.

(2) Subsection (1) does not apply where the mortgage is collateral mortgage. Exception

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Mortgages Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 90

An Act to amend the Assessment Act

The Hon. B. Gregory
Minister of Revenue

1st Reading October 18th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The purpose of the Bill is,

(a) to provide for the return of assessment rolls for municipal taxation at present levels of assessment except where reassessment has been introduced by proclamation at full market value or by equalization of assessment based on market value within the municipality;

(b) to allow for the distribution of assessment notices only to those owners and tenants of real property in respect of which a change to recorded information has occurred; and

(c) to provide that notice of an application by a municipality or locality for a review of its equalized assessment and equalization factor by the Ontario Municipal Board be given to the assessment commissioner as well as to the secretary of the Ontario Municipal Board.

SECTION 1. This section relates to the change made in section 2. The repeal of the subsection will permit assessment notices to be delivered to railways in the same manner in which all other assessment notices are delivered. Subsection 29 (4) now reads:

(4) The assessment commissioner shall deliver at, or transmit by mail to, any station or office of the company a notice, addressed to the company, of the total amount at which he has assessed the land and property of the company in the municipality showing the amount of each description of property mentioned in the above statement of the company, and the statement and notice respectively shall be held to be the assessment return and notice of assessment required by sections 10 and 30.

SECTION 2. This section allows for the distribution of assessment notices only to those owners or tenants of real property in respect of which a change in the information required to be recorded on the notice has occurred. Subsection 30 (1) now reads:

(1) The assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein a notice in a form approved by the Minister showing,

(a) the sum or sums for which such person has been assessed;

(b) whether such person is a public or separate school supporter; and

(c) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are prima facie evidence of the delivery.

SECTION 3. This section provides that notice of an application to the Ontario Municipal Board for review of a municipality or locality's equalized assessment and equalization factor given to the secretary of the Ontario Municipal Board also be given to the Regional Assessment Commissioner. Subsection 55 (4) now reads:

(4) On or before the 1st day of November in the year of publication under subsection (3), a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Ministry may apply for a review of the equalized assessment and equalization factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.

SECTION 4. This section provides for the return of assessment rolls for municipal taxation at present levels of assessment except where a reassessment is introduced by proclamation at full market value or by equalization of assessment based on market value. Subsection 63 (1) now reads:

(1) Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

(a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974;

(b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975;

(c) the assessment roll of a municipality to be returned in the year 1976 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1975 for taxation in the year 1976 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1976;

(d) subject to subsection (2), the assessment roll of a municipality to be returned in the year 1977 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1976 for taxation in the year 1977 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1977;

(e) subject to subsection (2), the assessment roll of a municipality to be returned in the year 1978 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1977 for taxation in the year 1978 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1978;

(f) subject to subsection (2), the assessment roll of a municipality to be returned in the year 1979 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1978 for taxation in the year 1979 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1980 is returned;

(g) subject to subsection (2), the assessment roll of a municipality to be returned in the year 1980 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1979 for taxation in the year 1980 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1981 is returned;

(h) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1981 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1980 for taxation in the year 1981 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1982 is returned; and

(i) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1982 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1981 for taxation in the year 1982 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1983 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1982 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

SECTION 5. This section relates to the change in section 4 of the Bill; the change is consequent upon the amendment in section 4. Section 68 now reads:

68. Section 65 ceases to be in force on the 20th day of December, 1983, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1983.

SECTION 6. This section relates to the change in section 4 and provides that the provisions of the Act with respect to depreciation of pipe lines will come into effect on January 1st, 1984. Section 69 now reads:

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1983.

Bill 90 1983

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 29 (4) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed. s. 29 (4), repealed

2. Subsection 30 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 4, is repealed and the following substituted therefor: s. 30 (1), re-enacted

(1) Where, in respect of any parcel of land, there has been a change in any particular described in paragraphs 1 to 18 of subsection 13 (1) that is not reflected in the last assessment roll as returned, the assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person described in paragraph 2 of subsection 13 (1) who is affected by the change a notice in a form approved by the Minister showing, Notice of assessment

(a) the sum or sums for which such person has been assessed;

(b) whether such person is a public or a separate school supporter; and

(c) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate or certificates are *prima facie* proof of the delivery.

s. 55 (4), amended

3. **Subsection 55 (4) of the said Act is amended by adding at the end thereof "and to the assessment commissioner for the region in which the municipality or locality is situate".**

s. 63 (1), amended

4. **Subsection 63 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 13 and 1982, chapter 56, section 4, is further amended,**

(a) by striking out "and" at the end of clause (h);

(b) by adding "and" at the end of clause (i); and

(c) by striking out all that part of the subsection immediately following clause (i) and inserting in lieu thereof:

(j) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1983 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1982 for taxation in the year 1983 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1984 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1983 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 68, re-enacted

5. **Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 6, is repealed and the following substituted therefor:**

Application

68. Section 65 ceases to be in force on the 18th day of December, 1984, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1984.

s. 69, re-enacted

6. **Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 7, is repealed and the following substituted therefor:**

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1984.

7. This Act comes into force on the 1st day of December, 1983. Commencement

8. The short title of this Act is the *Assessment Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 90

(Chapter 58
Statutes of Ontario, 1983)

An Act to amend the Assessment Act

The Hon. B. Gregory
Minister of Revenue

1st Reading	October 18th, 1983
2nd Reading	November 15th, 1983
3rd Reading	November 29th, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 90 1983

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 29 (4) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed. s. 29 (4), repealed

2. Subsection 30 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 4, is repealed and the following substituted therefor: s. 30 (1), re-enacted

(1) Where, in respect of any parcel of land, there has been a change in any particular described in paragraphs 1 to 18 of subsection 13 (1) that is not reflected in the last assessment roll as returned, the assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person described in paragraph 2 of subsection 13 (1) who is affected by the change a notice in a form approved by the Minister showing, Notice of assessment

(a) the sum or sums for which such person has been assessed;

(b) whether such person is a public or a separate school supporter; and

(c) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate or certificates are *prima facie* proof of the delivery.

s. 55 (4), amended

3. Subsection 55 (4) of the said Act is amended by adding at the end thereof "and to the assessment commissioner for the region in which the municipality or locality is situate".

s. 63 (1), amended

4. Subsection 63 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 13 and 1982, chapter 56, section 4, is further amended,

(a) by striking out "and" at the end of clause (h);

(b) by adding "and" at the end of clause (i); and

(c) by striking out all that part of the subsection immediately following clause (i) and inserting in lieu thereof:

(j) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1983 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1982 for taxation in the year 1983 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1984 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1983 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 68, re-enacted

5. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 6, is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 18th day of December, 1984, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1984.

s. 69, re-enacted

6. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 56, section 7, is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1984.

Commencement

7. This Act comes into force on the 1st day of December, 1983.

Short title

8. The short title of this Act is the *Assessment Amendment Act, 1983*.

Bill 91

An Act to amend the Employment Standards Act

Mr. Wrye

1st Reading October 18th, 1983

2nd Reading

3rd Reading

Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would have the effect of prohibiting all differentiation on the basis of sex in employee benefit plans. At present, the Act permits differentiation on the basis of sex "as provided in the regulations" and Regulation 282 of Revised Regulations of Ontario, 1980 authorizes a wide variety of differentiations based on sex and determined on an actuarial basis.

Bill 91 1983

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 34 (2) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 34 (2), re-enacted

(2) No employer or person acting directly on behalf of an employer shall provide, furnish or offer any fund, plan, arrangement or benefit that differentiates or makes any distinction, exclusion or preference between his employees or a class or classes of his employees or their beneficiaries, survivors or dependants because of the sex of his employees or, except as provided in the regulations, because of the age or marital status of his employees. No differentiation because of age, etc.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Employment Standards Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 92

An Act to amend the Health Disciplines Act

The Hon. K. C. Norton
Minister of Health

1st Reading October 20th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. New section 58a is added to Part III (Medicine) of the Act to authorize the Executive Committee of the College by order to suspend or impose restrictions on the licence of a member pending the commencement and completion of discipline proceedings. The Executive Committee may make such an order where it is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member. Before making such an order, the Executive Committee is required to give notice to the member that it is considering such action and must give the member a copy of the Registrar's report that is the basis for the order. The Executive Committee must also give the member at least two weeks in which to make written explanations or representations to the Executive Committee.

Where such an order is made, the College is required to commence proceedings before the Discipline Committee as soon as possible and to prosecute the matter expeditiously and the Discipline Committee is required to give precedence to and hear and determine the matter at as early a date as possible.

Provision is made for an application to the court for direction or order where the member is of the opinion that the College or the Discipline Committee is not acting expeditiously as required.

SECTION 2. New section 64a is added to Part III (Medicine) of the Act to authorize the establishment, administration and development of a peer assessment program under which the College will assess the quality of care of patients by members of the College and the quality of patient care records maintained by members of the College.

The program will function, subject to the approval of the Council, under the Committee on Peer Assessment. The Committee will be empowered to appoint assessors and members of the College are required to co-operate fully with the Committee and its assessors. The section prevents the use against a member of information given by the member in the course of a peer assessment program, except for knowingly giving false information.

Bill 92 1983

An Act to amend the Health Disciplines Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 58a, enacted

58a.—(1) The Executive Committee, in the circumstances set out in subsection (2), by order may suspend the licence of a member or may impose such restrictions on the licence of a member as the Committee designates. Interim order by Executive Committee

(2) The Executive Committee may make an order under subsection (1) where the Committee has received a report in writing by the Registrar with respect to the conduct or actions of the member, has considered the explanations and representations in writing, if any, under subsection (3) of the member and is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member. When order may be made

(3) No action shall be taken by the Executive Committee under subsection (1) unless the member has been given notice that the Executive Committee is considering such action, together with a copy of the report by the Registrar, and the member has been given at least two weeks in which to submit in writing to the Executive Committee any explanations or representations the member may wish to make. Notice and submissions

(4) Where an order is made under subsection (1), the College shall commence proceedings expeditiously before the Discipline Committee in respect of the conduct or actions, or both, of the member and shall prosecute the matter expeditiously. Discipline proceedings

(5) The Discipline Committee shall give precedence to and hear and determine the matter at as early a date as possible. Priority

Application to High Court

(6) A member whose licence has been suspended who is of the opinion that the College has not commenced proceedings expeditiously before the Discipline Committee or is not prosecuting the matter expeditiously as required by subsection (4) or that the Discipline Committee is not giving precedence to and hearing and determining the matter at as early a date as possible as required by subsection (5) may make application to the High Court for judicial review.

Idem

(7) An application under subsection (6) may be made without leave and the court shall treat the application as a case of urgency where delay is likely to involve a failure of justice and the court may give such directions as the court believes proper for expediting the proceedings mentioned in subsection (6) or may make such order as the court considers proper in the matter.

Contents of order

(8) An order under subsection (1),

(a) shall be in writing;

(b) shall state that it is made under this section; and

(c) shall set out subsections (4) to (7).

Term of order

(9) An order under subsection (1) continues in force until the matter is disposed of by the Discipline Committee.

When order of Discipline Committee takes effect

(10) Where the Discipline Committee revokes, suspends or restricts the licence or the recognition of the specialist status of the member, the order takes effect immediately notwithstanding that an appeal is taken from the decision.

Application of s. 60 (8)

(11) Subsection 60 (8) does not apply in respect of an order made by the Discipline Committee in a proceeding commenced under this section.

s. 64a, enacted

2. The said Act is further amended by adding thereto the following section:

Committee on Peer Assessment

64a.—(1) The Council may establish a Committee on Peer Assessment.

Duty of Committee

(2) Subject to the approval of the Council, the Committee on Peer Assessment shall establish, administer and develop a peer assessment program for the assessment of the standards of practice of members in the care of patients and in the maintenance of records of the care of patients.

Assessors

(3) The Committee on Peer Assessment may appoint members of the College or other persons as assessors for the purposes of a peer assessment program.

Co-operation by members

(4) Every member whose standards of practice are the subject of an assessment as part of a peer assessment program shall co-operate fully with the Committee on Peer Assessment and with its assessors.

Idem

(5) The co-operation required of a member includes,

(a) permitting assessors appointed by the Committee on Peer Assessment to enter and inspect the premises where the member engages in the practice of medicine;

(b) permitting assessors appointed by the Committee on Peer Assessment to inspect the member's records of the care of patients;

(c) providing to the Committee on Peer Assessment or its assessors information requested by the Committee or the assessors, as the case may be, in respect of the care of patients by the member or the member's records of the care of patients;

(d) providing the information mentioned in clause (c) in the form requested by the Committee on Peer Assessment or its assessors; and

(e) conferring with the Committee on Peer Assessment or its assessors when requested to do so by the Committee or its assessors.

Use of information

(6) A member has the right not to have information given by the member in the course of a peer assessment program used against the member in any proceeding before the Discipline Committee, except for knowingly giving false information.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Health Disciplines Amendment Act, 1983*.

Bill 92

An Act to amend the Health Disciplines Act

The Hon. K. C. Norton
Minister of Health

1st Reading October 20th, 1983
2nd Reading November 15th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. New section 58a is added to Part III (Medicine) of the Act to authorize the Executive Committee of the College by order to suspend or impose restrictions on the licence of a member pending the commencement and completion of discipline proceedings. The Executive Committee may make such an order where it is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member. Before making such an order, the Executive Committee is required to give notice to the member that it is considering such action and must give the member a copy of the Registrar's report that is the basis for the order. The Executive Committee must also give the member at least two weeks in which to make written explanations or representations to the Executive Committee.

Where such an order is made, the College is required to commence proceedings before the Discipline Committee as soon as possible and to prosecute the matter expeditiously and the Discipline Committee is required to give precedence to and hear and determine the matter at as early a date as possible.

Provision is made for an application to the court for direction or order where the member is of the opinion that the College or the Discipline Committee is not acting expeditiously as required.

SECTION 2. New section 64a is added to Part III (Medicine) of the Act to authorize the establishment, administration and development of a peer assessment program under which the College will assess the quality of care of patients by members of the College and the quality of patient care records maintained by members of the College.

The program will function, subject to the approval of the Council, under the Committee on Peer Assessment. The Committee will be empowered to appoint assessors and members of the College are required to co-operate fully with the Committee and its assessors. The section prevents the use against a member of information given by the member in the course of a peer assessment program, except for knowingly giving false information.

SECTION 3. Section 65 of the Act relates to confidentiality. The amendment adds references to new section 64a set out in the Bill.

Bill 92 1983

An Act to amend the Health Disciplines Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 58a, enacted

58a.—(1) The Executive Committee, in the circumstances set out in subsection (2), by order may suspend the licence of a member or may impose such restrictions on the licence of a member as the Committee designates. Interim order by Executive Committee

(2) The Executive Committee may make an order under subsection (1) where the Committee has received a report in writing by the Registrar with respect to the conduct or actions of the member, has considered the explanations and representations in writing, if any, under subsection (3) of the member and is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member. When order may be made

(3) No action shall be taken by the Executive Committee under subsection (1) unless the member has been given notice that the Executive Committee is considering such action, together with a copy of the report by the Registrar, and the member has been given at least two weeks in which to submit in writing to the Executive Committee any explanations or representations the member may wish to make. Notice and submissions

(4) Where an order is made under subsection (1), the College shall commence proceedings expeditiously before the Discipline Committee in respect of the conduct or actions, or both, of the member and shall prosecute the matter expeditiously. Discipline proceedings

(5) The Discipline Committee shall give precedence to and hear and determine the matter at as early a date as possible. Priority

Application to High Court

(6) A member whose licence has been suspended who is of the opinion that the College has not commenced proceedings expeditiously before the Discipline Committee or is not prosecuting the matter expeditiously as required by subsection (4) or that the Discipline Committee is not giving precedence to and hearing and determining the matter at as early a date as possible as required by subsection (5) may make application to the High Court for judicial review.

Idem

(7) An application under subsection (6) may be made without leave and the court shall treat the application as a case of urgency where delay is likely to involve a failure of justice and the court may give such directions as the court believes proper for expediting the proceedings mentioned in subsection (6) or may make such order as the court considers proper in the matter.

Contents of order

(8) An order under subsection (1),

(a) shall be in writing;

(b) shall state that it is made under this section; and

(c) shall set out subsections (4) to (7).

Term of order

(9) An order under subsection (1) continues in force until the matter is disposed of by the Discipline Committee.

When order of Discipline Committee takes effect

(10) Where the Discipline Committee revokes, suspends or restricts the licence or the recognition of the specialist status of the member, the order takes effect immediately notwithstanding that an appeal is taken from the decision.

Application of s. 60 (8)

(11) Subsection 60 (8) does not apply in respect of an order made by the Discipline Committee in a proceeding commenced under this section.

s. 64a, enacted

2. The said Act is further amended by adding thereto the following section:

Committee on Peer Assessment

64a.—(1) The Council may establish a Committee on Peer Assessment.

Duty of Committee

(2) Subject to the approval of the Council, the Committee on Peer Assessment shall establish, administer and develop a peer assessment program for the assessment of the standards of practice of members in the care of patients and in the maintenance of records of the care of patients.

(3) The Committee on Peer Assessment may appoint members of the College or persons licensed as medical practitioners in other jurisdictions as assessors for the purposes of a peer assessment program. Assessors

(4) Every member whose standards of practice are the subject of an assessment as part of a peer assessment program shall co-operate fully with the Committee on Peer Assessment and with its assessors. Co-operation by members

(5) The co-operation required of a member includes, Idem

(a) permitting assessors appointed by the Committee on Peer Assessment to enter and inspect the premises where the member engages in the practice of medicine;

(b) permitting assessors appointed by the Committee on Peer Assessment to inspect the member's records of the care of patients;

(c) providing to the Committee on Peer Assessment or its assessors information requested by the Committee or the assessors, as the case may be, in respect of the care of patients by the member or the member's records of the care of patients;

(d) providing the information mentioned in clause (c) in the form requested by the Committee on Peer Assessment or its assessors; and

(e) conferring with the Committee on Peer Assessment or its assessors when requested to do so by the Committee or its assessors.

(6) A member has the right not to have information given by the member in the course of a peer assessment program used against the member in any proceeding before the Discipline Committee, except for knowingly giving false information. Use of information

3. Subsection 65 (1) of the said Act is amended by inserting after "section 64" in the third line and in the sixth line "or a peer assessment under section 64a". s. 65 (1), amended

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Health Disciplines Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 92

(Chapter 59
Statutes of Ontario, 1983)

An Act to amend the Health Disciplines Act

The Hon. K. C. Norton
Minister of Health

1st Reading	October 20th, 1983
2nd Reading	November 15th, 1983
3rd Reading	November 29th, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 92 1983

An Act to amend the Health Disciplines Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Health Disciplines Act*, being chapter 196 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 58a, enacted

58a.—(1) The Executive Committee, in the circumstances set out in subsection (2), by order may suspend the licence of a member or may impose such restrictions on the licence of a member as the Committee designates. Interim order by Executive Committee

(2) The Executive Committee may make an order under subsection (1) where the Committee has received a report in writing by the Registrar with respect to the conduct or actions of the member, has considered the explanations and representations in writing, if any, under subsection (3) of the member and is of the opinion that the conduct or actions of the member expose or are likely to expose to harm or injury persons who are or who become patients of the member. When order may be made

(3) No action shall be taken by the Executive Committee under subsection (1) unless the member has been given notice that the Executive Committee is considering such action, together with a copy of the report by the Registrar, and the member has been given at least two weeks in which to submit in writing to the Executive Committee any explanations or representations the member may wish to make. Notice and submissions

(4) Where an order is made under subsection (1), the College shall commence proceedings expeditiously before the Discipline Committee in respect of the conduct or actions, or both, of the member and shall prosecute the matter expeditiously. Discipline proceedings

(5) The Discipline Committee shall give precedence to and hear and determine the matter at as early a date as possible. Priority

Application to High Court

(6) A member whose licence has been suspended who is of the opinion that the College has not commenced proceedings expeditiously before the Discipline Committee or is not prosecuting the matter expeditiously as required by subsection (4) or that the Discipline Committee is not giving precedence to and hearing and determining the matter at as early a date as possible as required by subsection (5) may make application to the High Court for judicial review.

Idem

(7) An application under subsection (6) may be made without leave and the court shall treat the application as a case of urgency where delay is likely to involve a failure of justice and the court may give such directions as the court believes proper for expediting the proceedings mentioned in subsection (6) or may make such order as the court considers proper in the matter.

Contents of order

(8) An order under subsection (1),

(a) shall be in writing;

(b) shall state that it is made under this section; and

(c) shall set out subsections (4) to (7).

Term of order

(9) An order under subsection (1) continues in force until the matter is disposed of by the Discipline Committee.

When order of Discipline Committee takes effect

(10) Where the Discipline Committee revokes, suspends or restricts the licence or the recognition of the specialist status of the member, the order takes effect immediately notwithstanding that an appeal is taken from the decision.

Application of s. 60 (8)

(11) Subsection 60 (8) does not apply in respect of an order made by the Discipline Committee in a proceeding commenced under this section.

s. 64a, enacted

2. The said Act is further amended by adding thereto the following section:

Committee on Peer Assessment

64a.—(1) The Council may establish a Committee on Peer Assessment.

Duty of Committee

(2) Subject to the approval of the Council, the Committee on Peer Assessment shall establish, administer and develop a peer assessment program for the assessment of the standards of practice of members in the care of patients and in the maintenance of records of the care of patients.

Assessors

(3) The Committee on Peer Assessment may appoint members of the College or persons licensed as medical practitioners in other jurisdictions as assessors for the purposes of a peer assessment program.

Co-operation by members

(4) Every member whose standards of practice are the subject of an assessment as part of a peer assessment program shall co-operate fully with the Committee on Peer Assessment and with its assessors.

Idem

(5) The co-operation required of a member includes,

(a) permitting assessors appointed by the Committee on Peer Assessment to enter and inspect the premises where the member engages in the practice of medicine;

(b) permitting assessors appointed by the Committee on Peer Assessment to inspect the member's records of the care of patients;

(c) providing to the Committee on Peer Assessment or its assessors information requested by the Committee or the assessors, as the case may be, in respect of the care of patients by the member or the member's records of the care of patients;

(d) providing the information mentioned in clause (c) in the form requested by the Committee on Peer Assessment or its assessors; and

(e) conferring with the Committee on Peer Assessment or its assessors when requested to do so by the Committee or its assessors.

Use of information

(6) A member has the right not to have information given by the member in the course of a peer assessment program used against the member in any proceeding before the Discipline Committee, except for knowingly giving false information.

s. 65 (1), amended

3. Subsection 65 (1) of the said Act is amended by inserting after "section 64" in the third line and in the sixth line "or a peer assessment under section 64a".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Health Disciplines Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 93

An Act to amend the Family Law Reform Act

The Hon. R. McMurtry
Attorney General

1st Reading October 20th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

At present, pension payments are subject to execution, seizure or attachment for the enforcement of a support order, but not to a court order for attachment under section 30 of the *Family Law Reform Act.*

The amendment would permit the attachment order to be made for pension payments.

Bill 93 1983

An Act to amend the Family Law Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 30 (1) and (2) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 30 (1, 2), re-enacted

(1) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the employer of the debtor or the administrator of a pension plan of which the debtor is a member to deduct from any remuneration of or payment to the debtor due at the time the order is served on the employer or administrator, or thereafter due or accruing due, such amount as is named in the order and to pay the amounts deducted into court as they become due and payable, and section 7 of the *Wages Act* does not apply. Attachment of wages or pension payments R.S.O. 1980, c. 526

(2) Where an application is made to discharge, vary or suspend any term of an order for support or maintenance, the court may discharge, vary or suspend, prospectively or retroactively, any term of an order made under subsection (1) for the enforcement of that order for support or maintenance. Variation of attachment

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Family Law Reform Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 93

An Act to amend the Family Law Reform Act

The Hon. R. McMurtry
Attorney General

1st Reading October 20th, 1983
2nd Reading November 29th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

At present, pension payments are subject to execution, seizure or attachment for the enforcement of a support order, but not to a court order for attachment under section 30 of the *Family Law Reform Act*.

The amendment would permit the attachment order to be made for pension payments.

Bill 93 1983

An Act to amend the Family Law Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 30 (1) and (2) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 30 (1, 2), re-enacted

(1) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the employer of the debtor or the administrator of a pension plan of which the debtor is a member to deduct or cause to be deducted from any remuneration of or payment to the debtor due at the time the order is served on the employer or administrator, or thereafter due or accruing due, such amount as is named in the order and to pay the amounts deducted into court as they become due and payable, and section 7 of the *Wages Act* does not apply. Attachment of wages or pension payments R.S.O. 1980, c. 526

(2) Where an application is made to discharge, vary or suspend any term of an order for support or maintenance, the court may discharge, vary or suspend, prospectively or retroactively, any term of an order made under subsection (1) for the enforcement of that order for support or maintenance. Variation of attachment

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Family Law Reform Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 93

(Chapter 60
Statutes of Ontario, 1983)

An Act to amend the Family Law Reform Act

The Hon. R. McMurtry
Attorney General

1st Reading	October 20th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 93 1983

An Act to amend the Family Law Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 30 (1) and (2) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 30 (1, 2), re-enacted

(1) Where the court considers it appropriate in a proceeding under section 28, the court may make an attachment order directing the employer of the debtor or the administrator of a pension plan of which the debtor is a member to deduct or cause to be deducted from any remuneration of or payment to the debtor due at the time the order is served on the employer or administrator, or thereafter due or accruing due, such amount as is named in the order and to pay the amounts deducted into court as they become due and payable, and section 7 of the *Wages Act* does not apply. Attachment of wages or pension payments R.S.O. 1980, c. 526

(2) Where an application is made to discharge, vary or suspend any term of an order for support or maintenance, the court may discharge, vary or suspend, prospectively or retroactively, any term of an order made under subsection (1) for the enforcement of that order for support or maintenance. Variation of attachment

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Family Law Reform Amendment Act, 1983*. Short title

Bill 94

An Act to amend the Charities Accounting Act

The Hon. R. McMurtry
Attorney General

1st Reading October 20th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The amendment is to the definition of "land". The effect of the definition without the amendment is to prevent charitable organizations from investing in the security of a mortgage. The amendment restores the original intent to not interfere with this type of investment.

Bill 94 1983

An Act to amend the Charities Accounting Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 6a (b), amended

1. Clause 6a (b) of the *Charities Accounting Act*, being chapter 65 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 11, is amended by adding at the end thereof "other than an interest in land held as security for a debt".

Commencement

2. This Act shall be deemed to have come into force on the 15th day of June, 1982.

Short title

3. The short title of this Act is the *Charities Accounting Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 94

(Chapter 61
Statutes of Ontario, 1983)

An Act to amend the Charities Accounting Act

The Hon. R. McMurtry
Attorney General

1st Reading	October 20th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 94 1983

An Act to amend the Charities Accounting Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 6a (b), amended

1. Clause 6a (b) of the *Charities Accounting Act*, being chapter 65 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 11, is amended by adding at the end thereof "other than an interest in land held as security for a debt".

Commencement

2. This Act shall be deemed to have come into force on the 15th day of June, 1982.

Short title

3. The short title of this Act is the *Charities Accounting Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 95

An Act to amend the Public Vehicles Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading October 20th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Section 2 of the Act prohibits any person from operating a public vehicle without a licence to do so. The new provision provides an exception to this prohibition.

SECTION 2. Section 8 of the Act provides that an operating licence expires on the 1st day of July unless another day for expiry is set. The replacing provision brings into the Act the same procedure to clear up ambiguities in licences as is found in the *Public Commercial Vehicles Act*.

SECTION 3. Section 10 of the Act authorizes a city council to pass a by-law requiring public vehicle licence holders to pay a fee.

SECTION 4. Subsection 14 (2) of the Act provides that a vehicle licence expires on the 31st day of March.

SECTION 5. Subsection 15 (2) of the Act requires every public vehicle to have the vehicle licence plate issued for that vehicle for the current year to be attached to it.

Bill 95 1983

An Act to amend the Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Public Vehicles Act*, being chapter 425 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 2, amended

(3) Subsection (1) does not apply to a person transporting physically disabled passengers only in a public vehicle, that is specially equipped with a lift or ramp mechanism for the boarding of physically disabled passengers. Exception

(4) An attendant accompanying a physically disabled passenger does not preclude the application of subsection (3). Attendant may accompany

2. Section 8 of the said Act is repealed and the following substituted therefor: s. 8, re-enacted

8.—(1) The Minister may at any time refer an operating licence to the Board where, in the opinion of the Minister, any part is ambiguous or the rights granted by the licence are uncertain and the Board may, after a hearing of the reference as required by the *Ontario Highway Transport Board Act*, amend the certificate pursuant to which the licence was issued to resolve any ambiguity or uncertainty or where the licence has been issued pursuant to more than one certificate, issue a new certificate as set out in subsection (2), and the licence shall be amended accordingly, effective on the fifth day after the day notice of the amendment is mailed by registered mail addressed to the licensee at his last known address. Referral to Board; R.S.O. 1980, c. 338

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty. Idem

s. 10, repealed

3. Section 10 of the said Act is repealed.

s. 14 (2), repealed

4. Subsection 14 (2) of the said Act is repealed.

s. 15 (2), amended

5. Subsection 15 (2) of the said Act is amended by striking out "for the current year" in the fifth line.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Public Vehicles Amendment Act, 1983*.

Bill 95

(Chapter 62
Statutes of Ontario, 1983)

An Act to amend the Public Vehicles Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading	October 20th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 95 1983

An Act to amend the Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Public Vehicles Act*, being chapter 425 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 2, amended

(3) Subsection (1) does not apply to a person transporting physically disabled passengers only in a public vehicle that is specially equipped with a lift or ramp mechanism for the boarding of physically disabled passengers. Exception

(4) An attendant accompanying a physically disabled passenger does not preclude the application of subsection (3). Attendant may accompany

2. Section 8 of the said Act is repealed and the following substituted therefor: s. 8, re-enacted

8.—(1) The Minister may at any time refer an operating licence to the Board where, in the opinion of the Minister, any part is ambiguous or the rights granted by the licence are uncertain and the Board may, after a hearing of the reference as required by the *Ontario Highway Transport Board Act*, amend the certificate pursuant to which the licence was issued to resolve any ambiguity or uncertainty or where the licence has been issued pursuant to more than one certificate, issue a new certificate as set out in subsection (2), and the licence shall be amended accordingly, effective on the fifth day after the day notice of the amendment is mailed by registered mail addressed to the licensee at his last known address. Referral to Board; R.S.O. 1980, c. 338

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty. Idem

s. 10, repealed

3. Section 10 of the said Act is repealed.

s. 14 (2), repealed

4. Subsection 14 (2) of the said Act is repealed.

s. 15 (2), amended

5. Subsection 15 (2) of the said Act is amended by striking out "for the current year" in the fifth line.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Public Vehicles Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 96

An Act to amend the Highway Traffic Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading October 20th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The definitions of "highway" and "traffic" are being clarified and expanded.

Many provisions of the Act do not apply to street cars as we know them today. Reference to street cars is being included in many provisions so that usual rules that apply to motor vehicles will apply to street cars. The requirement to have a driver's licence to drive a street car is one major addition.

SECTION 2.—Subsection 1. The addition is complementary to the plate-to-owner concept and is designed to assist in collecting unpaid fines.

Subsection 2. Self-explanatory.

Subsection 3. The new provisions expand the regulation making authority with clause (fa) being the significant addition.

SECTION 3. The provision is recast to require licencees to notify the Ministry when there is a change of name. The requirement is extended to include lessees now that plates are tied to the person rather than to the vehicle.

SECTION 4. The provision is recast to clarify procedure when a vehicle is transferred. The change is complementary to the plate-to-owner concept.

SECTION 5.—Subsection 1. A prohibition against altering permits is added.

Subsection 2. The provision is recast to include a permit as a thing that is property of the Crown.

SECTION 6. The provision is recast to include reference to defacing or altering plates. Clause 14 (1) (c) is new.

SECTION 7. Authority is being given to the Minister to appoint persons who may issue temporary driving licences with respect to certain classes of vehicles.

The fine for driving without a licence is being increased.

SECTIONS 8 to 13. Sections 8 to 13 bring street cars under the provisions of the Act.

SECTION 14. The maximum fine for driving without lights on as required is being increased to $20 from $5.

SECTION 15. Subsection 47 (1) of the Act is amended to include hydraulic system mineral oil.

SECTION 16. The definition of "radar warning device" is being clarified.

SECTION 17. The reference to street car is being added.

SECTION 18. The definition of "motor vehicle inspection station" is being amended.

SECTION 19. Subsection 88 (1) of the Act is being expanded to require that the chin strap of the helmet be fastened. Subsection 88 (1a) is new.

SECTION 20. The reference to a trailer length is being amended from fourteen metres to 14.65 metres.

SECTION 21. The provisions dealing with rate of speed are being expanded to apply to street cars.

SECTION 22. The offence of careless driving is being expanded to apply to the operator of a street car.

SECTIONS 23 to 32. The provision setting out rules of the road are being expanded to apply to street cars. In some instances the reference to a street car replaces a reference to a car of an electric railway.

SECTION 33. The authority to remove vehicles parked in prohibited places is extended to police cadets and municipal law enforcement officers.

SECTION 34. The requirement to stop for school buses is being extended to apply to street cars.

SECTION 35. Street cars are being required to stop for school crossing guards.

SECTION 36. Street car operators are being required to obey traffic signs.

SECTIONS 37 and 38. Civil liability for damages caused by an accident is being extended to apply to owners of street cars as well as motor vehicles.

SECTION 39. A street car operator's driver's licence will be subject to suspension where there is failure to pay a judgment. This now applies to motor vehicle drivers.

SECTION 40. Street car operators will be required to report accidents in which they are involved.

SECTION 41. The duty to remain at the scene of an accident and to render assistance is being extended to street car operators.

SECTION 42. The requirement to report property damage to the Registrar is being removed.

SECTION 43. The offences for which the owner of a motor vehicle shall not be convicted simply because he is owner are added to.

SECTION 44. The amendment has the effect of causing convictions against street car operators to be reported to the Registrar.

SECTION 45. The general penalty is being increased from a minimum of $20 and a maximum of $100 to a minimum of $40 and a maximum of $200.

SECTION 46. The provision is being recast to make editorial corrections.

SECTION 47. An internal reference is being corrected.

Bill 96 1983

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (1), par. 14, re-enacted

14. "highway", includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

(2) Paragraph 23 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways" in the fifth and sixth lines and inserting in lieu thereof "a street car". s. 1 (1), par. 23, amended

(3) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, is further amended by adding thereto the following paragraphs: s. 1 (1), amended

36a. "street car" includes a car of an electric or steam railway;

. . . . .

37a. "traffic" includes pedestrians, animals, vehicles, street cars and other conveyances using a highway.

(4) Paragraph 39 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways running only upon rails" in the sixth and seventh lines and inserting in lieu thereof "a street car". s. 1 (1), par. 39, amended

s. 7 (3c), re-enacted

2.—(1) Subsection 7 (3c) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor:

Permit not to be validated or replaced when fines unpaid R.S.O. 1980, c. 400

(3c) Where a person is in default of payment of a fine imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

(a) that permit not be validated; and

(b) no replacing permit connected with the vehicle associated with the infraction be issued to him,

until the fine is paid.

s. 7, amended

(2) Section 7 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2, is further amended by adding thereto the following subsection:

One permit only

(5a) No person shall apply for, secure or retain in his possession more than one permit bearing the same plate number or describing the same vehicle.

s. 7 (14) (f), re-enacted

(3) Clause 7 (14) (f) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor:

(f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of,

(i) vehicle manufacturers, or

(ii) vehicle dealers,

where the vehicles are kept for sale only and prescribing conditions under which such vehicles may be operated on the highway;

(fa) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of persons in the business of repairing, road testing, customizing, modifying or transporting vehicles where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;

(fb) prescribing when a permit becomes valid.

3.—(1) Subsection 9 (2) of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) Where an owner of a motor vehicle or a plate holder changes his name or address as set out in his application for a permit or validation of a permit or in a previous notice filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Change of name or address

(2) Subsection 9 (2a) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 195, is repealed and the following substituted therefor: s. 9 (2a), re-enacted

(2a) Where the name or address of a lessee is on a permit and the lessee changes his name or address from the name or address shown on the permit or from that filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Idem

(2b) A notice may be filed under subsection (2) or (2a) by forwarding it to the Ministry by registered mail. Filing

4.—(1) Clauses 10 (1) (b) and (c) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 3, are repealed and the following substituted therefor: s. 10 (1) (b,c), re-enacted

(b) retain the plate portion of the permit; and

(c) on delivery of the vehicle,

(i) to the new owner, complete and sign the transfer application of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner, or

(ii) to a lessor, give the vehicle portion of the permit to the lessor.

(2) Subsection 10 (4) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 3, is repealed and the following substituted therefor: s. 10 (4), re-enacted

(4) Notwithstanding section 7 and clauses 12 (1) (d) and (e), a person may drive a motor vehicle or draw a trailer on a highway within six days after becoming the owner of the motor vehicle or trailer where he complies with the prescribed requirements. Idem

s. 12 (1) (a,b), re-enacted

5.—(1) Clauses 12 (1) (a) and (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 5, are repealed and the following substituted therefor:

(a) defaces or alters any number plate, evidence of validation or permit;

(b) uses or permits the use of a defaced or altered number plate, evidence of validation or permit.

s. 12 (4), re-enacted

(2) Subsection 12 (4) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 196, is repealed and the following substituted therefor:

Property of the Crown

(4) Every number plate, evidence of validation, permit and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

s. 14, re-enacted

6. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 6, is repealed and the following substituted therefor:

Improper number plate

14.—(1) Where a police officer or an officer appointed under this Act has reason to believe that,

(a) a number plate attached to a motor vehicle or trailer,

(i) has not been authorized under this Act for use on that vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered;

(b) evidence of validation of a permit displayed on a motor vehicle,

(i) was not furnished under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered; or

(c) a permit carried by a driver of a motor vehicle,

(i) was not authorized under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered,

the officer may take possession of the number plate, evidence of validation or permit and retain it until the facts have been determined.

Invalid cab card

(2) Where a police officer or an officer appointed under this Act has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

(a) was not furnished in accordance with this Act for that motor vehicle;

(b) has been cancelled; or

(c) has been defaced or altered,

the officer may take possession of the card and retain it until the facts have been determined.

7.—(1) Subsection 18 (1) of the said Act is amended by striking out "by the Minister" in the fourth line and inserting in lieu thereof "under this Act".

s. 18 (1), amended

(2) Section 18 of the said Act is amended by adding thereto the following subsection:

s. 18, amended

Idem

(1a) No person shall drive a street car on a highway unless he holds a driver's licence.

(3) Subsection 18 (2) of the said Act is amended by inserting after "issue" in the first line "or may authorize any person to issue on a temporary basis".

s. 18 (2), amended

(4) The said section 18 is further amended by adding thereto the following subsections:

s. 18, amended

Restriction

(2a) No person authorized by the Minister under subsection (2) to issue licences may issue licences in respect of class G, L, M or R motor vehicles.

. . . . .

Penalty

(10) Every person who contravenes subsection (1) or (1a) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500.

s. 19 (1), amended

8. Subsection 19 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 22, amended

9. Section 22 of the said Act is amended by inserting after "vehicle" in the third line "or street car".

s. 23 (1), amended

10.—(1) Subsection 23 (1) of the said Act is amended by inserting after "vehicle" in the second line "or street car".

s. 23 (2), amended

(2) Subsection 23 (2) of the said Act is amended by inserting after "vehicle" in the second line "street car".

s. 26 (1), amended

11. Subsection 26 (1) of the said Act is amended by inserting after "Act" in the fourth line, in the seventh line and in the tenth line "or a street car".

s. 35 (1), amended

12. Subsection 35 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 4, is amended by inserting after "vehicle" in the first line "or street car".

s. 38, amended

13. Section 38 of the said Act is amended by striking out "of motor vehicles" in the third line.

s. 44 (18), amended

14. Subsection 44 (18) of the said Act is amended by striking out "$5" in the third line and inserting in lieu thereof "$20".

s. 47 (1), re-enacted

15.—(1) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Hydraulic brake and system fluid

(1) No person shall sell, offer for sale or install,

(a) hydraulic brake fluid; or

(b) hydraulic system mineral oil,

for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

s. 47 (2) (a), amended

(2) Clause 47 (2) (a) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

s. 47 (2) (b), amended

(3) Clause 47 (2) (b) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

(4) Subsection 47 (3) of the said Act is amended by adding at the end thereof "or hydraulic system mineral oil". s. 47 (3), amended

16. Subsection 61 (1) of the said Act is amended by striking out "transmissions" in the sixth line and inserting in lieu thereof "effective operation". s. 61 (1), amended

17. Section 67 of the said Act is repealed and the following substituted therefor: s. 67, re-enacted

67. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle, a street car or vehicles that in combination are in such a dangerous or unsafe condition as to endanger any person. Penalty for driving unsafe vehicle

18. Clause 71 (d) of the said Act is amended by inserting after "certificates" in the fourth line "or vehicle inspection stickers". s. 71 (d), amended

19. Subsection 88 (1) of the said Act is repealed and the following substituted therefor: s. 88 (1), re-enacted

(1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Motorcyclists to wear helmet

(1a) No person shall carry a passenger who is under sixteen years of age on a motorcycle on a highway unless the passenger is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Idem

20. Subsection 92 (7) of the said Act is amended by striking out "fourteen" in the third line and inserting in lieu thereof "14.65". s. 92 (7), amended

21. Section 109 of the said Act is amended by adding thereto the following subsection: s. 109, amended

(15) In this section, "motor vehicle" includes street car. Interpretation

22. Section 111 of the said Act is amended by inserting after "vehicle" in the second line "or street car". s. 111, amended

23. Section 115 of the said Act is amended by adding thereto the following subsection: s. 115, amended

(2) In subsection (1), "vehicle" includes street car. Interpretation

s. 116, amended

24.—(1) Section 116 of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car".

s. 116 (a), amended

(2) Clause 116 (a) of the said Act is amended by striking out "car" in the second line and inserting in lieu thereof "street car".

s. 116 (b), amended

(3) Clause 116 (b) of the said Act is amended by inserting after "vehicle" in the eighth line "or street car".

s. 118 (1), amended

25. Subsection 118 (1) of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car".

s. 119 (1), amended

26. Subsection 119 (1) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

s. 122, amended

27. Section 122 of the said Act is amended by adding thereto the following subsection:

Interpretation

(8) For the purposes of subsections (1) and (7), "vehicle" includes street car.

s. 124 (3), amended

28.—(1) Subsection 124 (3) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (4), amended

(2) Subsection 124 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 124 (5), amended

(3) Subsection 124 (5) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (7), amended

(4) Subsection 124 (7) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (8), amended

(5) Subsection 124 (8) of the said Act is amended,

(a) by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car"; and

(b) by inserting after "vehicle" in the fifteenth line "or street car".

(6) Subsection 124 (9) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 124 (9), amended

(7) Subsection 124 (10) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 124 (10), amended

(8) Subsection 124 (11) of the said Act is amended by striking out "car of an electric railway" in the third and fourth lines and inserting in lieu thereof "street car". s. 124 (11), amended

(9) Subsection 124 (12) of the said Act is amended by striking out "car of an electric railway" in the second line and inserting in lieu thereof "street car". s. 124 (12), amended

(10) Subsection 124 (13) of the said Act is amended by inserting after "vehicle" in the fourth line "or street car". s. 124 (13), amended

(11) Subsection 124 (17) of the said Act is amended, s. 124 (17), amended

(a) by adding at the end of clause (a) "or street cars"; and

(b) by adding at the end of clause (c) "or street cars".

29.—(1) Subsection 124a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16, is amended by inserting after "vehicle" in the second line "or street car". s. 124a (1), amended

(2) Subsection 124a (2) of the said Act is amended by inserting after "vehicle" in the second line "or street car". s. 124a (2), amended

30.—(1) Subsection 125 (2) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (2), amended

(2) Subsection 125 (3) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (3), amended

(3) Subsection 125 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (4), amended

31. Section 132 of the said Act is amended by inserting after "vehicles" in the third line "and street cars". s. 132, amended

s. 136 (1), amended

32. Subsection 136 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the second line "or street car".

s. 147 (5), amended

33.—(1) Subsection 147 (5) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 147 (13), amended

(2) Subsection 147 (13) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 151 (5), amended

34.—(1) Subsection 151 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 151 (5a), amended

(2) Subsection 151 (5a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 152 (3), amended

35. Subsection 152 (3) of the said Act is amended by inserting after "vehicle" in the second line "or street car".

s. 158 (2), amended

36. Subsection 158 (2) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

s.166 (1), amended

37. Subsection 166 (1) of the said Act is amended by inserting after "vehicle" in the first line, in the third line, in the fourth line and in the sixth line "or street car".

s. 167 (2), re-enacted

38. Subsection 167 (2) of the said Act is repealed and the following substituted therefor:

Application

(2) This section does not apply in cases of a collision between motor vehicles or to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Interpretation

(3) In this section, "motor vehicle" includes street car.

s. 172 (1), amended

39. Subsection 172 (1) of the said Act is amended by inserting after "vehicle" in the seventh line "or street car".

s. 173 (1), amended

40. Subsection 173 (1) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

41. Subsection 174 (1) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car". s. 174 (1), amended

42. Section 175 of the said Act is amended by striking out "or constable or to the Registrar" in the sixth and seventh lines. s. 175, amended

43.—(1) Subsection 181 (2) of the said Act is amended by striking out "145, 148, 151, 158 or 173" in the third and fourth lines and inserting in lieu thereof "146, 148, 151, 152, 158 or 173". s. 181 (2), amended

(2) Section 181 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 12, is further amended by adding thereto the following subsection: s. 181, amended

(4) For the purposes of this Act, where a number plate issued under section 7 is exposed on a motor vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without his consent, the burden of proof of which is on the permit holder. Exposing number plate

44. Subsection 184 (1) of the said Act is amended by inserting after "vehicle" in the fifth line "or street car". s. 184 (1), amended

45. Subsection 188 (1) of the said Act is amended by striking out "$20 and not more than $100" in the fourth and fifth lines and inserting in lieu thereof "$40 and not more than $200". s. 188 (1), amended

46. Subsection 190 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 20 and 1981, chapter 72, section 3, is repealed and the following substituted therefor: s. 190 (2), re-enacted

(2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1), subsection 12 (1), subsection 13 (1), subsection 19 (2), subsection 30 (2) or (3), section 33, 35, 111, 148 or 160, subsection 161 (3), clause 174 (1) (a) or subsection 189a (1) has been committed, may arrest, without warrant, the person he believes committed the contravention. Arrests without warrant

47. Subsection 191 (1) of the said Act is amended by striking out "section 27" in the second line and inserting in lieu thereof "section 35". s. 191 (1), amended

Commencement

48. This Act comes into force on the day it receives Royal Assent.

Short title

49. The short title of this Act is the *Highway Traffic Amendment Act, 1983*.

Bill 96

An Act to amend the Highway Traffic Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading October 20th, 1983
2nd Reading November 29th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The definitions of "highway" and "traffic" are being clarified and expanded.

Many provisions of the Act do not apply to street cars as we know them today. Reference to street cars is being included in many provisions so that usual rules that apply to motor vehicles will apply to street cars. The requirement to have a driver's licence to drive a street car is one major addition.

SECTION 2.—Subsection 1. The addition is complementary to the plate-to-owner concept and is designed to assist in collecting unpaid fines.

Subsection 2. Self-explanatory.

Subsection 3. The new provisions expand the regulation making authority with clause (fa) being the significant addition.

SECTION 3. The provision is recast to require licencees to notify the Ministry when there is a change of name. The requirement is extended to include lessees now that plates are tied to the person rather than to the vehicle.

SECTION 4. The provision is recast to clarify procedure when a vehicle is transferred. The change is complementary to the plate-to-owner concept.

SECTION 5.—Subsection 1. A prohibition against altering permits is added.

Subsection 2. The provision is recast to include a permit as a thing that is property of the Crown.

SECTION 6. The provision is recast to include reference to defacing or altering plates. Clause 14 (1) (c) is new.

SECTION 7. Authority is being given to the Minister to appoint persons who may issue temporary driving licences with respect to certain classes of vehicles.

The fine for driving without a licence is being increased.

SECTIONS 8 to 13. Sections 8 to 13 bring street cars under the provisions of the Act.

SECTION 14. The maximum fine for driving without lights on as required is being increased to $20 from $5.

SECTION 15. Subsection 47 (1) of the Act is amended to include hydraulic system mineral oil.

SECTION 16. The definition of "radar warning device" is being clarified.

SECTION 17. The reference to street car is being added.

SECTION 18. The definition of "motor vehicle inspection station" is being amended.

SECTION 19. Subsection 88 (1) of the Act is being expanded to require that the chin strap of the helmet be fastened. Subsection 88 (1a) is new.

SECTION 20. The reference to a trailer length is being amended from fourteen metres to 14.65 metres.

SECTION 21. The provisions dealing with rate of speed are being expanded to apply to street cars.

SECTION 22. The offence of careless driving is being expanded to apply to the operator of a street car.

SECTIONS 23 to 32. The provision setting out rules of the road are being expanded to apply to street cars. In some instances the reference to a street car replaces a reference to a car of an electric railway.

SECTION 33. The authority to remove vehicles parked in prohibited places is extended to police cadets and municipal law enforcement officers.

SECTION 34. The requirement to stop for school buses is being extended to apply to street cars.

SECTION 35. Street cars are being required to stop for school crossing guards.

SECTION 36. Street car operators are being required to obey traffic signs.

SECTIONS 37 and 38. Civil liability for damages caused by an accident is being extended to apply to owners of street cars as well as motor vehicles.

SECTION 39. A street car operator's driver's licence will be subject to suspension where there is failure to pay a judgment. This now applies to motor vehicle drivers.

SECTION 40. Street car operators will be required to report accidents in which they are involved.

SECTION 41. The duty to remain at the scene of an accident and to render assistance is being extended to street car operators.

SECTION 42. The requirement to report property damage to the Registrar is being removed.

SECTION 43. The offences for which the owner of a motor vehicle shall not be convicted simply because he is owner are added to.

SECTION 44. The amendment has the effect of causing convictions against street car operators to be reported to the Registrar.

SECTION 45. The general penalty is being increased from a minimum of $20 and a maximum of $100 to a minimum of $40 and a maximum of $200.

SECTION 46. The provision is being recast to make editorial corrections.

SECTION 47. An internal reference is being corrected.

Bill 96 1983

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (1), par. 14, re-enacted

14. "highway", includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

(2) Paragraph 23 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways" in the fifth and sixth lines and inserting in lieu thereof "a street car". s. 1 (1), par. 23, amended

(3) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

36a. "street car" includes a car of an electric or steam railway;

. . . . . .

(4) Paragraph 39 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways running only upon rails" in the sixth and seventh lines and inserting in lieu thereof "a street car". s. 1 (1), par. 39, amended

2.—(1) Subsection 7 (3c) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor: s. 7 (3c), re-enacted

Permit not to be validated or replaced when fines unpaid R.S.O. 1980, c. 400

(3c) Where a person is in default of payment of a fine imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

(a) that permit not be validated; and

(b) no replacing permit connected with the vehicle associated with the infraction be issued to him,

until the fine is paid.

s. 7, amended

(2) Section 7 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2, is further amended by adding thereto the following subsection:

One permit only

(5a) No person shall apply for, secure or retain in his possession more than one permit bearing the same plate number or describing the same vehicle.

s. 7 (14) (f), re-enacted

(3) Clause 7 (14) (f) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor:

(f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of,

(i) vehicle manufacturers, or

(ii) vehicle dealers,

where the vehicles are kept for sale only and prescribing conditions under which such vehicles may be operated on the highway;

(fa) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of persons in the business of repairing, road testing, customizing, modifying or transporting vehicles where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;

(fb) prescribing when a permit becomes valid.

s. 9 (2), re-enacted

3.—(1) Subsection 9 (2) of the said Act is repealed and the following substituted therefor:

(2) Where an owner of a motor vehicle or a plate holder changes his name or address as set out in his application for a permit or validation of a permit or in a previous notice filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Change of name or address

(2) Subsection 9 (2a) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 195, is repealed and the following substituted therefor: s. 9 (2a), re-enacted

(2a) Where the name or address of a lessee is on a permit and the lessee changes his name or address from the name or address shown on the permit or from that filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Idem

(2b) A notice may be filed under subsection (2) or (2a) by forwarding it to the Ministry by registered mail. Filing

4.—(1) Clauses 10 (1) (b) and (c) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 3, are repealed and the following substituted therefor: s. 10 (1) (b,c), re-enacted

(b) retain the plate portion of the permit; and

(c) on delivery of the vehicle,

(i) to the new owner, complete and sign the transfer application of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner, or

(ii) to a lessor, give the vehicle portion of the permit to the lessor.

(2) Subsection 10 (4) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 3, is repealed and the following substituted therefor: s. 10 (4), re-enacted

(4) Notwithstanding section 7 and clauses 12 (1) (d) and (e), a person may drive a motor vehicle or draw a trailer on a highway within six days after becoming the owner of the motor vehicle or trailer where he complies with the prescribed requirements. Idem

5.—(1) Clauses 12 (1) (a) and (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 5, are repealed and the following substituted therefor: s. 12 (1) (a,b), re-enacted

(a) defaces or alters any number plate, evidence of validation or permit;

(b) uses or permits the use of a defaced or altered number plate, evidence of validation or permit.

s. 12 (4), re-enacted

(2) Subsection 12 (4) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 196, is repealed and the following substituted therefor:

Property of the Crown

(4) Every number plate, evidence of validation, permit and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

s. 14, re-enacted

6. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 6, is repealed and the following substituted therefor:

Improper number plate

14.—(1) Where a police officer or an officer appointed under this Act has reason to believe that,

(a) a number plate attached to a motor vehicle or trailer,

(i) has not been authorized under this Act for use on that vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered;

(b) evidence of validation of a permit displayed on a motor vehicle,

(i) was not furnished under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered; or

(c) a permit carried by a driver of a motor vehicle,

(i) was not authorized under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered,

the officer may take possession of the number plate, evidence of validation or permit and retain it until the facts have been determined.

Invalid cab card

(2) Where a police officer or an officer appointed under this Act has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

(a) was not furnished in accordance with this Act for that motor vehicle;

(b) has been cancelled; or

(c) has been defaced or altered,

the officer may take possession of the card and retain it until the facts have been determined.

s. 18 (1), amended

7.—(1) Subsection 18 (1) of the said Act is amended by striking out "by the Minister" in the fourth line and inserting in lieu thereof "under this Act".

s. 18, amended

(2) Section 18 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) No person shall drive a street car on a highway unless he holds a driver's licence.

s. 18 (2), amended

(3) Subsection 18 (2) of the said Act is amended by inserting after "issue" in the first line "or may authorize any person to issue on a temporary basis".

s. 18, amended

(4) The said section 18 is further amended by adding thereto the following subsections:

Restriction

(2a) No person authorized by the Minister under subsection (2) to issue licences may issue licences in respect of class G, L, M or R motor vehicles.

. . . . .

Penalty

(10) Every person who contravenes subsection (1) or (1a) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500.

s. 19 (1), amended

8. Subsection 19 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 22, amended

9. Section 22 of the said Act is amended by inserting after "vehicle" in the third line "or street car".

s. 23 (1), amended

10.—(1) Subsection 23 (1) of the said Act is amended by inserting after "vehicle" in the second line "street car".

s. 23 (2), amended

(2) Subsection 23 (2) of the said Act is amended by inserting after "vehicle" in the second line "street car".

s. 26 (1), amended

11. Subsection 26 (1) of the said Act is amended by inserting after "Act" in the fourth line, in the seventh line and in the tenth line "or a street car".

s. 35 (1), amended

12. Subsection 35 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 4, is amended by inserting after "vehicle" in the first line "or street car".

s. 38, amended

13. Section 38 of the said Act is amended by inserting after "vehicles" in the third line "or of street cars".

s. 44 (18), amended

14. Subsection 44 (18) of the said Act is amended by striking out "$5" in the third line and inserting in lieu thereof "$20".

s. 47 (1), re-enacted

15.—(1) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Hydraulic brake and system fluid

(1) No person shall sell, offer for sale or install,

(a) hydraulic brake fluid; or

(b) hydraulic system mineral oil,

for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

s. 47 (2) (a), amended

(2) Clause 47 (2) (a) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

s. 47 (2) (b), amended

(3) Clause 47 (2) (b) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

s. 47 (3), amended

(4) Subsection 47 (3) of the said Act is amended by adding at the end thereof "or hydraulic system mineral oil".

16. Subsection 61 (1) of the said Act is amended by striking out "transmissions" in the sixth line and inserting in lieu thereof "effective operation". s. 61 (1), amended

17. Section 67 of the said Act is repealed and the following substituted therefor: s. 67, re-enacted

67. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle, a street car or vehicles that in combination are in such a dangerous or unsafe condition as to endanger any person. Penalty for driving unsafe vehicle

18. Clause 71 (d) of the said Act is amended by inserting after "certificates" in the fourth line "or vehicle inspection stickers". s. 71 (d), amended

19. Subsection 88 (1) of the said Act is repealed and the following substituted therefor: s. 88 (1), re-enacted

(1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Motorcyclists to wear helmet

(1a) No person shall carry a passenger who is under sixteen years of age on a motorcycle on a highway unless the passenger is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Idem

20. Subsection 92 (7) of the said Act is amended by striking out "fourteen" in the third line and inserting in lieu thereof "14.65". s. 92 (7), amended

21. Section 109 of the said Act is amended by adding thereto the following subsection: s. 109, amended

(15) In this section, "motor vehicle" includes street car. Interpretation

22. Section 111 of the said Act is amended by inserting after "vehicle" in the second line "or street car". s. 111, amended

23. Section 115 of the said Act is amended by adding thereto the following subsection: s. 115, amended

(2) In subsection (1), "vehicle" includes street car. Interpretation

24.—(1) Section 116 of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car". s. 116, amended

s. 116 (a), amended

(2) Clause 116 (a) of the said Act is amended by striking out "car" in the second line and inserting in lieu thereof "street car".

s. 116 (b), amended

(3) Clause 116 (b) of the said Act is amended by inserting after "vehicle" in the eighth line "or street car".

s. 118 (1), amended

25. Subsection 118 (1) of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car".

s. 119 (1), re-enacted

26. Subsection 119 (1) of the said Act is repealed and the following substituted therefor:

Right of way on entering highway from private road

(1) The driver or operator of a vehicle or street car about to enter or cross a highway from a private road or driveway shall yield the right of way to all traffic approaching on the highway.

s. 122, amended

27. Section 122 of the said Act is amended by adding thereto the following subsection:

Interpretation

(8) For the purposes of subsections (1) and (7), "vehicle" includes a street car equipped with turn signals or brake lights, as the case may be.

s. 124 (3), amended

28.—(1) Subsection 124 (3) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (4), amended

(2) Subsection 124 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 124 (5), amended

(3) Subsection 124 (5) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (7), amended

(4) Subsection 124 (7) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (8), amended

(5) Subsection 124 (8) of the said Act is amended,

(a) by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car"; and

(b) by inserting after "vehicle" in the fifteenth line "or street car".

(6) Subsection 124 (9) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 124 (9), amended

(7) Subsection 124 (10) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 124 (10), amended

(8) Subsection 124 (11) of the said Act is amended by striking out "car of an electric railway" in the third and fourth lines and inserting in lieu thereof "street car". s. 124 (11), amended

(9) Subsection 124 (12) of the said Act is amended by striking out "car of an electric railway" in the second line and inserting in lieu thereof "street car". s. 124 (12), amended

(10) Subsection 124 (13) of the said Act is amended by inserting after "vehicle" in the fourth line "or street car". s. 124 (13), amended

(11) Subsection 124 (17) of the said Act is amended, s. 124 (17), amended

(a) by adding at the end of clause (a) "or street cars"; and

(b) by adding at the end of clause (c) "or street cars".

29.—(1) Subsection 124a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16, is amended by inserting after "vehicle" in the second line "or street car". s. 124a (1), amended

(2) Subsection 124a (2) of the said Act is amended by inserting after "vehicle" in the second line "or street car". s. 124a (2), amended

30.—(1) Subsection 125 (2) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (2), amended

(2) Subsection 125 (3) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (3), amended

(3) Subsection 125 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car". s. 125 (4), amended

31. Section 132 of the said Act is amended by inserting after "vehicles" in the third line "and street cars". s. 132, amended

s. 136 (1), amended

32. Subsection 136 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the second line "or street car".

s. 147 (5), amended

33.—(1) Subsection 147 (5) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 147 (13), amended

(2) Subsection 147 (13) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 151 (5), amended

34.—(1) Subsection 151 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 151 (5a), amended

(2) Subsection 151 (5a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 152 (3), amended

35. Subsection 152 (3) of the said Act is amended by inserting after "vehicle" in the second line "or street car".

s. 158 (2), amended

36. Subsection 158 (2) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

s.166 (1), amended

37. Subsection 166 (1) of the said Act is amended by inserting after "vehicle" in the first line, in the third line, in the fourth line and in the sixth line "or street car".

s. 167 (2), re-enacted

38. Subsection 167 (2) of the said Act is repealed and the following substituted therefor:

Application

(2) This section does not apply in cases of a collision between motor vehicles or to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Interpretation

(3) In this section, "motor vehicle" includes street car.

s. 172 (1), amended

39. Subsection 172 (1) of the said Act is amended by inserting after "vehicle" in the seventh line "or street car".

s. 173 (1), amended

40. Subsection 173 (1) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

41. Subsection 174 (1) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car". s. 174 (1), amended

42. Section 175 of the said Act is amended by striking out "or constable or to the Registrar" in the sixth and seventh lines. s. 175, amended

43.—(1) Subsection 181 (2) of the said Act is amended by striking out "145, 148, 151, 158 or 173" in the third and fourth lines and inserting in lieu thereof "146, 148, 151, 152, 158 or 173". s. 181 (2), amended

(2) Section 181 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 12, is further amended by adding thereto the following subsection: s. 181, amended

(4) For the purposes of this Act, where a number plate issued under section 7 is exposed on a motor vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without his consent, the burden of proof of which is on the permit holder. Exposing number plate

44. Subsection 184 (1) of the said Act is amended by inserting after "vehicle" in the fifth line "or street car". s. 184 (1), amended

45. Subsection 188 (1) of the said Act is amended by striking out "$20 and not more than $100" in the fourth and fifth lines and inserting in lieu thereof "$40 and not more than $200". s. 188 (1), amended

46. Subsection 190 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 20 and 1981, chapter 72, section 3, is repealed and the following substituted therefor: s. 190 (2), re-enacted

(2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1), subsection 12 (1), subsection 13 (1), subsection 19 (2), subsection 30 (2) or (3), section 33, 35, 111, 148 or 160, subsection 161 (3), clause 174 (1) (a) or subsection 189a (1) has been committed, may arrest, without warrant, the person he believes committed the contravention. Arrests without warrant

47. Subsection 191 (1) of the said Act is amended by striking out "section 27" in the second line and inserting in lieu thereof "section 35". s. 191 (1), amended

Commencement

48. This Act comes into force on the day it receives Royal Assent.

Short title

49. The short title of this Act is the *Highway Traffic Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 96

(Chapter 63
Statutes of Ontario, 1983)

An Act to amend the Highway Traffic Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading	October 20th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 96 1983

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (1), par. 14, re-enacted

14. "highway", includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

(2) Paragraph 23 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways" in the fifth and sixth lines and inserting in lieu thereof "a street car". s. 1 (1), par. 23, amended

(3) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

36a. "street car" includes a car of an electric or steam railway;

. . . . .

(4) Paragraph 39 of subsection 1 (1) of the said Act is amended by striking out "the cars of electric or steam railways running only upon rails" in the sixth and seventh lines and inserting in lieu thereof "a street car". s. 1 (1), par. 39, amended

2.—(1) Subsection 7 (3c) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor: s. 7 (3c), re-enacted

Permit not to be validated or replaced when fines unpaid R.S.O. 1980, c. 400

(3c) Where a person is in default of payment of a fine imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that,

(a) that permit not be validated; and

(b) no replacing permit connected with the vehicle associated with the infraction be issued to him,

until the fine is paid.

s. 7, amended

(2) Section 7 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2, is further amended by adding thereto the following subsection:

One permit only

(5a) No person shall apply for, secure or retain in his possession more than one permit bearing the same plate number or describing the same vehicle.

s. 7 (14) (f), re-enacted

(3) Clause 7 (14) (f) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 2, is repealed and the following substituted therefor:

(f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of,

(i) vehicle manufacturers, or

(ii) vehicle dealers,

where the vehicles are kept for sale only and prescribing conditions under which such vehicles may be operated on the highway;

(fa) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of persons in the business of repairing, road testing, customizing, modifying or transporting vehicles where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;

(fb) prescribing when a permit becomes valid.

s. 9 (2), re-enacted

3.—(1) Subsection 9 (2) of the said Act is repealed and the following substituted therefor:

(2) Where an owner of a motor vehicle or a plate holder changes his name or address as set out in his application for a permit or validation of a permit or in a previous notice filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Change of name or address

(2) Subsection 9 (2a) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 195, is repealed and the following substituted therefor: s. 9 (2a), re-enacted

(2a) Where the name or address of a lessee is on a permit and the lessee changes his name or address from the name or address shown on the permit or from that filed under this subsection, he shall within six days file with the Ministry notice of his new name or address. Idem

(2b) A notice may be filed under subsection (2) or (2a) by forwarding it to the Ministry by registered mail. Filing

4.—(1) Clauses 10 (1) (b) and (c) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 3, are repealed and the following substituted therefor: s. 10 (1) (b,c), re-enacted

(b) retain the plate portion of the permit; and

(c) on delivery of the vehicle,

(i) to the new owner, complete and sign the transfer application of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner, or

(ii) to a lessor, give the vehicle portion of the permit to the lessor.

(2) Subsection 10 (4) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 3, is repealed and the following substituted therefor: s. 10 (4), re-enacted

(4) Notwithstanding section 7 and clauses 12 (1) (d) and (e), a person may drive a motor vehicle or draw a trailer on a highway within six days after becoming the owner of the motor vehicle or trailer where he complies with the prescribed requirements. Idem

5.—(1) Clauses 12 (1) (a) and (b) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 5, are repealed and the following substituted therefor: s. 12 (1) (a,b), re-enacted

(a) defaces or alters any number plate, evidence of validation or permit;

(b) uses or permits the use of a defaced or altered number plate, evidence of validation or permit.

s. 12 (4), re-enacted

(2) Subsection 12 (4) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 198, section 196, is repealed and the following substituted therefor:

Property of the Crown

(4) Every number plate, evidence of validation, permit and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

s. 14, re-enacted

6. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 15, section 6, is repealed and the following substituted therefor:

Improper number plate

14.—(1) Where a police officer or an officer appointed under this Act has reason to believe that,

(a) a number plate attached to a motor vehicle or trailer,

(i) has not been authorized under this Act for use on that vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered;

(b) evidence of validation of a permit displayed on a motor vehicle,

(i) was not furnished under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered; or

(c) a permit carried by a driver of a motor vehicle,

(i) was not authorized under this Act in respect of that motor vehicle,

(ii) was obtained by false pretences, or

(iii) has been defaced or altered,

the officer may take possession of the number plate, evidence of validation or permit and retain it until the facts have been determined.

Invalid cab card

(2) Where a police officer or an officer appointed under this Act has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

(a) was not furnished in accordance with this Act for that motor vehicle;

(b) has been cancelled; or

(c) has been defaced or altered,

the officer may take possession of the card and retain it until the facts have been determined.

s. 18 (1), amended

7.—(1) Subsection 18 (1) of the said Act is amended by striking out "by the Minister" in the fourth line and inserting in lieu thereof "under this Act".

s. 18, amended

(2) Section 18 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) No person shall drive a street car on a highway unless he holds a driver's licence.

s. 18 (2), amended

(3) Subsection 18 (2) of the said Act is amended by inserting after "issue" in the first line "or may authorize any person to issue on a temporary basis".

s. 18, amended

(4) The said section 18 is further amended by adding thereto the following subsections:

Restriction

(2a) No person authorized by the Minister under subsection (2) to issue licences may issue licences in respect of class G, L, M or R motor vehicles.

. . . . . .

Penalty

(10) Every person who contravenes subsection (1) or (1a) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500.

s. 19 (1), amended

8. Subsection 19 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 22, amended

9. Section 22 of the said Act is amended by inserting after "vehicle" in the third line "or street car".

s. 23 (1), amended

10.—(1) Subsection 23 (1) of the said Act is amended by inserting after "vehicle" in the second line "street car".

s. 23 (2), amended

(2) Subsection 23 (2) of the said Act is amended by inserting after "vehicle" in the second line "street car".

s. 26 (1), amended

11. Subsection 26 (1) of the said Act is amended by inserting after "Act" in the fourth line, in the seventh line and in the tenth line "or a street car".

s. 35 (1), amended

12. Subsection 35 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 4, is amended by inserting after "vehicle" in the first line "or street car".

s. 38, amended

13. Section 38 of the said Act is amended by inserting after "vehicles" in the third line "or of street cars".

s. 44 (18), amended

14. Subsection 44 (18) of the said Act is amended by striking out "$5" in the third line and inserting in lieu thereof "$20".

s. 47 (1), re-enacted

15.—(1) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Hydraulic brake and system fluid

(1) No person shall sell, offer for sale or install,

(a) hydraulic brake fluid; or

(b) hydraulic system mineral oil,

for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.

s. 47 (2) (a), amended

(2) Clause 47 (2) (a) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

s. 47 (2) (b), amended

(3) Clause 47 (2) (b) of the said Act is amended by inserting after "fluid" in the second line "or hydraulic system mineral oil".

s. 47 (3), amended

(4) Subsection 47 (3) of the said Act is amended by adding at the end thereof "or hydraulic system mineral oil".

16. Subsection 61 (1) of the said Act is amended by striking out "transmissions" in the sixth line and inserting in lieu thereof "effective operation". s. 61 (1), amended

17. Section 67 of the said Act is repealed and the following substituted therefor: s. 67, re-enacted

67. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle, a street car or vehicles that in combination are in such a dangerous or unsafe condition as to endanger any person. Penalty for driving unsafe vehicle

18. Clause 71 (d) of the said Act is amended by inserting after "certificates" in the fourth line "or vehicle inspection stickers". s. 71 (d), amended

19. Subsection 88 (1) of the said Act is repealed and the following substituted therefor: s. 88 (1), re-enacted

(1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless he is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Motorcyclists to wear helmet

(1a) No person shall carry a passenger who is under sixteen years of age on a motorcycle on a highway unless the passenger is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. Idem

20. Subsection 92 (7) of the said Act is amended by striking out "fourteen" in the third line and inserting in lieu thereof "14.65". s. 92 (7), amended

21. Section 109 of the said Act is amended by adding thereto the following subsection: s. 109, amended

(15) In this section, "motor vehicle" includes street car. Interpretation

22. Section 111 of the said Act is amended by inserting after "vehicle" in the second line "or street car". s. 111, amended

23. Section 115 of the said Act is amended by adding thereto the following subsection: s. 115, amended

(2) In subsection (1), "vehicle" includes street car. Interpretation

24.—(1) Section 116 of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car". s. 116, amended

s. 116 (a), amended

(2) Clause 116 (a) of the said Act is amended by striking out "car" in the second line and inserting in lieu thereof "street car".

s. 116 (b), amended

(3) Clause 116 (b) of the said Act is amended by inserting after "vehicle" in the eighth line "or street car".

s. 118 (1), amended

25. Subsection 118 (1) of the said Act is amended by striking out "car of an electric railway" in the first and second lines and inserting in lieu thereof "street car".

s. 119 (1), re-enacted

26. Subsection 119 (1) of the said Act is repealed and the following substituted therefor:

Right of way on entering highway from private road

(1) The driver or operator of a vehicle or street car about to enter or cross a highway from a private road or driveway shall yield the right of way to all traffic approaching on the highway.

s. 122, amended

27. Section 122 of the said Act is amended by adding thereto the following subsection:

Interpretation

(8) For the purposes of subsections (1) and (7), "vehicle" includes a street car equipped with turn signals or brake lights, as the case may be.

s. 124 (3), amended

28.—(1) Subsection 124 (3) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (4), amended

(2) Subsection 124 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 124 (5), amended

(3) Subsection 124 (5) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (7), amended

(4) Subsection 124 (7) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car".

s. 124 (8), amended

(5) Subsection 124 (8) of the said Act is amended,

(a) by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car"; and

(b) by inserting after "vehicle" in the fifteenth line "or street car".

s. 124 (9), amended

(6) Subsection 124 (9) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 124 (10), amended

(7) Subsection 124 (10) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 124 (11), amended

(8) Subsection 124 (11) of the said Act is amended by striking out "car of an electric railway" in the third and fourth lines and inserting in lieu thereof "street car".

s. 124 (12), amended

(9) Subsection 124 (12) of the said Act is amended by striking out "car of an electric railway" in the second line and inserting in lieu thereof "street car".

s. 124 (13), amended

(10) Subsection 124 (13) of the said Act is amended by inserting after "vehicle" in the fourth line "or street car".

s. 124 (17), amended

(11) Subsection 124 (17) of the said Act is amended,

(a) by adding at the end of clause (a) "or street cars"; and

(b) by adding at the end of clause (c) "or street cars".

s. 124a (1), amended

29.—(1) Subsection 124a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16, is amended by inserting after "vehicle" in the second line "or street car".

s. 124a (2), amended

(2) Subsection 124a (2) of the said Act is amended by inserting after "vehicle" in the second line "or street car".

s. 125 (2), amended

30.—(1) Subsection 125 (2) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 125 (3), amended

(2) Subsection 125 (3) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 125 (4), amended

(3) Subsection 125 (4) of the said Act is amended by striking out "car of an electric railway" in the third line and inserting in lieu thereof "street car".

s. 132, amended

31. Section 132 of the said Act is amended by inserting after "vehicles" in the third line "and street cars".

s. 136 (1), amended

32. Subsection 136 (1) of the said Act is amended by inserting after "vehicle" in the first line and in the second line "or street car".

s. 147 (5), amended

33.—(1) Subsection 147 (5) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 147 (13), amended

(2) Subsection 147 (13) of the said Act is amended by striking out "constable" in the first line and inserting in lieu thereof "police officer, police cadet, municipal law enforcement officer".

s. 151 (5), amended

34.—(1) Subsection 151 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 151 (5a), amended

(2) Subsection 151 (5a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 28, section 5, is amended by inserting after "vehicle" in the first line and in the third line "or street car".

s. 152 (3), amended

35. Subsection 152 (3) of the said Act is amended by inserting after "vehicle" in the second line "or street car".

s. 158 (2), amended

36. Subsection 158 (2) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

s.166 (1), amended

37. Subsection 166 (1) of the said Act is amended by inserting after "vehicle" in the first line, in the third line, in the fourth line and in the sixth line "or street car".

s. 167 (2), re-enacted

38. Subsection 167 (2) of the said Act is repealed and the following substituted therefor:

Application

(2) This section does not apply in cases of a collision between motor vehicles or to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

Interpretation

(3) In this section, "motor vehicle" includes street car.

s. 172 (1), amended

39. Subsection 172 (1) of the said Act is amended by inserting after "vehicle" in the seventh line "or street car".

s. 173 (1), amended

40. Subsection 173 (1) of the said Act is amended by inserting after "vehicle" in the first line "or street car".

41. Subsection 174 (1) of the said Act is amended by striking out "car of an electric railway" in the second and third lines and inserting in lieu thereof "street car". s. 174 (1), amended

42. Section 175 of the said Act is amended by striking out "or constable or to the Registrar" in the sixth and seventh lines. s. 175, amended

43.—(1) Subsection 181 (2) of the said Act is amended by striking out "145, 148, 151, 158 or 173" in the third and fourth lines and inserting in lieu thereof "146, 148, 151, 152, 158 or 173". s. 181 (2), amended

(2) Section 181 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 12, is further amended by adding thereto the following subsection: s. 181, amended

(4) For the purposes of this Act, where a number plate issued under section 7 is exposed on a vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without his consent, the burden of proof of which is on the permit holder. Exposing number plate

44. Subsection 184 (1) of the said Act is amended by inserting after "vehicle" in the fifth line "or street car". s. 184 (1), amended

45. Subsection 188 (1) of the said Act is amended by striking out "$20 and not more than $100" in the fourth and fifth lines and inserting in lieu thereof "$40 and not more than $200". s. 188 (1), amended

46. Subsection 190 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 20 and 1981, chapter 72, section 3, is repealed and the following substituted therefor: s. 190 (2), re-enacted

(2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1), subsection 12 (1), subsection 13 (1), subsection 19 (2), subsection 30 (2) or (3), section 33, 35, 111, 148 or 160, subsection 161 (3), clause 174 (1) (a) or subsection 189a (1) has been committed, may arrest, without warrant, the person he believes committed the contravention. Arrests without warrant

47. Subsection 191 (1) of the said Act is amended by striking out "section 27" in the second line and inserting in lieu thereof "section 35". s. 191 (1), amended

Commencement

48. This Act comes into force on the day it receives Royal Assent.

Short title

49. The short title of this Act is the *Highway Traffic Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 97

An Act respecting Central Trust Company and Crown Trust Company

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading October 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill provides for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined.

Bill 97 1983

An Act respecting Central Trust Company and Crown Trust Company

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purpose

1. The purpose of this Act is to provide for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined.

Rights of third parties

2. Nothing in this Act affects the rights of any person having a claim against Crown Trust Company in respect of a document or trust to which section 4 applies, or impairs, modifies or affects the liability of Crown Trust Company to any such person, but all such acts as may be enforceable in Ontario may be asserted against Central Trust Company, which shall be responsible for all debts, liabilities, and obligations of Crown Trust Company in respect of every such document and trust.

Non-application

3.—(1) This Act does not apply to,

(a) real or personal property owned or held by, vested in, or granted to Crown Trust Company, and that is held by Crown Trust Company exclusively for its own use and benefit, and not in trust for or for the benefit of any other person or purpose;

(b) real or personal property that is held by Crown Trust Company under a document or trust to which section 4 applies that is situate outside Ontario, and any power, right, immunity, privilege, or right of action that may be exercised by or against Crown Trust Company under any such document or trust with respect to that property, but,

(i) for all property situate outside Ontario for which Crown Trust Company has been appointed, or is entitled to be appointed, by a court of Ontario, as personal representative of a deceased person, whether as executor, administrator or otherwise, Central Trust Company may, upon application to that court, be appointed personal representative in the place and stead of Crown Trust Company with respect to that property, and

(ii) for all property situate outside Ontario not coming within subclause (i), but held by Crown Trust Company under a document or trust to which section 4 applies, for which the Supreme Court of Ontario has jurisdiction under section 5 of the *Trustee Act* to make an order for the appointment of a new trustee, Central Trust Company may, upon application to the Supreme Court, be appointed trustee in the place and stead of Crown Trust Company with respect to that property, and such appointment has for all purposes of the laws of Ontario the same effect as if made under section 5 of the *Trustee Act*,

R.S.O. 1980, c. 512

and sections 1, 2, 6 and 8 of this Act apply to every document and trust in respect of which an appointment is made under subclause (i) or (ii); or

(c) trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any such guaranteed investment of which Crown Trust Company is trustee.

Exception

(2) Notwithstanding clause (1) (c), this Act applies to trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any registered retirement savings plan, registered retirement income fund, registered home ownership savings plan, deferred profit-sharing plan or income averaging annuity contract, as those terms are defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

Substitution confirmed, application

1983, c. 7

(3) The substitution of Central Trust Company for Crown Trust Company made before this Act comes into force under the *Crown Trust Company Act, 1983* in or in respect of documents and trusts mentioned in subsection 4 (1) is hereby confirmed and sections 1 and 2, subsection (2) of this section, subsection 4 (2) and sections 5 to 8 of this Act apply thereto as if the substitution had been effected by subsection 4 (1).

Substituted fiduciary

4.—(1) Subject to section 3, Central Trust Company is substituted in the place and stead of Crown Trust Company in or in respect of every trust, trust deed, trust agreement, instrument of creation, settlement, assignment, will, codicil or other testamentary document, and every letters probate, letters of administration, judgment, decree, order, direction, or appointment of any court, judge or other constituted authority, and every other document or trust howsoever created, including every incomplete or inchoate trust, and in every conveyance, mortgage, assignment, appointment or other writing, wherein or whereby, or of which Crown Trust Company is named as executor, administrator, trustee, bailee, committee, assignee, liquidator, receiver, guardian, curator or agent, or is named to any other office or position whatsoever wherein any property, interest, possibility, or right is vested in, administered or managed by, or put in charge of Crown Trust Company in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any person or purpose, and every such document and trust shall be construed and given effect as if Central Trust Company had been named therein in the place and stead of Crown Trust Company.

Idem

(2) Where an instrument specified or described in subsection (1) names Crown Trust Company to any office or position described in that subsection and the instrument takes effect after the substitution of Central Trust Company for Crown Trust Company, Central Trust Company shall be deemed to be named therein in the place of Crown Trust Company.

Real and personal property held in trust by Crown Trust Company

5.—(1) Subject to section 3, all real and personal property and every interest therein that is granted to, or held by, or vested in Crown Trust Company, whether by way of security or otherwise, in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any other person or purpose, pursuant to or in respect of every document and trust to which section 4 applies, and whether in the form in which it was originally acquired by Crown Trust Company or otherwise, is vested in Central Trust Company, according to the tenor of and at the time indicated or intended by the document or trust, upon the same trusts, and with the same powers, rights, immunities, and privileges, and subject to the same obligations and duties as are thereby provided, granted or imposed.

Registration of Act not required

(2) Subject to section 7, for the purposes of every Act affecting the title to property, both real and personal, the vesting of title in Central Trust Company of every property affected by subsection (1) is effective without the registration or filing of this Act, or any further or other instrument, document or certi-

ficate showing the change of title in any public office whatsoever within the jurisdiction of the Province of Ontario.

Legal proceedings

6.—(1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being exercised by or against Crown Trust Company in any court of Ontario, or before any tribunal or agency of the Province of Ontario, pursuant to or in respect of a document or trust to which section 4 applies, shall be discontinued or abated on account of this Act, but may be continued in the name of Central Trust Company, which shall have the same rights, shall be subject to the same liabilities, and shall pay or receive the same costs and award as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of Central Trust Company.

Idem

(2) A suit, action, appeal, application or other proceeding, or a power, right, remedy or right of distress that might have been brought or exercised by or against Crown Trust Company pursuant to or in respect of a document or trust to which section 4 applies, may be brought or exercised by or against Central Trust Company, which shall have the same rights, and shall be subject to the same liabilities, in respect thereof, as those which Crown Trust Company would have or be subject to if this Act had not been enacted.

Idem

(3) In a suit, action, appeal, application or other proceeding that has been continued or commenced in the name of Central Trust Company under subsection (1) or (2), Crown Trust Company and its officers and employees shall be deemed to have been acting on behalf of Central Trust Company in performing any act, whether before or after the commencement of this Act, involving the administration of a document or trust to which section 4 applies, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Crown Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Notice

7.—(1) Where a person is under an obligation to make payments in relation to property that is vested in Central Trust Company under subsection 5 (1), the person may make the payments to Crown Trust Company until Central Trust Company gives or causes to be given notice in writing to the person that payment shall be made to Central Trust Company, and thereupon the person's obligation is owed to Central Trust Company.

Instruments dealing with property

(2) Every instrument dealing with property that is vested in Central Trust Company under subsection 5 (1), but that is reg-

istered in the name of Crown Trust Company in any public office of the Province of Ontario or in respect of which Crown Trust Company is shown by a document of title as having legal ownership thereof, shall be executed by Central Trust Company and shall contain a recital referring to the vesting under this Act.

Idem

(3) An instrument executed by Central Trust Company containing the recital required by subsection (2) may be accepted for registration by any public office within the jurisdiction of the Province of Ontario without further proof of the accuracy of the recital, and every such instrument shall be deemed to be effective as against Crown Trust Company and Central Trust Company in passing title to the property described in the instrument notwithstanding any inaccuracy contained in the recital.

Security interests in personal property R.S.O. 1980, c. 375

(4) For purposes of the *Personal Property Security Act* it is sufficient, in order to show the vesting in Central Trust Company under subsection 5 (1) of any interest in personal property that constitutes a security interest within the meaning of that Act and for which Crown Trust Company is shown as the secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of the vesting as if Crown Trust Company had assigned its interest to Central Trust Company.

Conflict 1983, c. 7

8. Where there is an inconsistency between any provision of this Act and any provision of the *Crown Trust Company Act, 1983*, the provision of this Act prevails to the extent of the inconsistency.

Commencement

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the *Central Trust Company Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 97

An Act respecting Central Trust Company and Crown Trust Company

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading October 21st, 1983
2nd Reading November 15th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Administration of Justice Committee)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill provides for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined.

Bill 97 1983

An Act respecting Central Trust Company and Crown Trust Company

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purpose

1. The purpose of this Act is to provide for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined.

Rights of third parties

2. Nothing in this Act affects the rights of any person having a claim against Crown Trust Company in respect of a document or trust to which section 4 applies, or impairs, modifies or affects the liability of Crown Trust Company to any such person, but all such rights as may be enforceable in Ontario may be asserted against Central Trust Company, which shall be responsible for all debts, liabilities, and obligations of Crown Trust Company in respect of every such document and trust.

Non-application

3.—(1) This Act does not apply to,

(a) real or personal property owned or held by, vested in, or granted to Crown Trust Company, and that is held by Crown Trust Company exclusively for its own use and benefit, and not in trust for or for the benefit of any other person or purpose;

(b) real or personal property that is held by Crown Trust Company under a document or trust to which section 4 applies that is situate outside Ontario, and any power, right, immunity, privilege, or right of action that may be exercised by or against Crown Trust Company under any such document or trust with respect to that property, but,

(i) for all property situate outside Ontario for which Crown Trust Company has been appointed, or is entitled to be appointed, by a court of Ontario, as personal representative of a deceased person, whether as executor, administrator or otherwise, Central Trust Company may, upon application to that court, be appointed personal representative in the place and stead of Crown Trust Company with respect to that property, and

(ii) for all property situate outside Ontario not coming within subclause (i), but held by Crown Trust Company under a document or trust to which section 4 applies, for which the Supreme Court of Ontario has jurisdiction under section 5 of the *Trustee Act* to make an order for the appointment of a new trustee, Central Trust Company may, upon application to the Supreme Court, be appointed trustee in the place and stead of Crown Trust Company with respect to that property, and such appointment has for all purposes of the laws of Ontario the same effect as if made under section 5 of the *Trustee Act*,

R.S.O. 1980, c. 512

and sections 1, 2, 6 and 8 of this Act apply to every document and trust in respect of which an appointment is made under subclause (i) or (ii); or

(c) trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any such guaranteed investment of which Crown Trust Company is trustee.

Exception

(2) Notwithstanding clause (1) (c), this Act applies to trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any registered retirement savings plan, registered retirement income fund, registered home ownership savings plan, deferred profit-sharing plan or income averaging annuity contract, as those terms are defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

Substitution confirmed, application 1983, c. 7

(3) The substitution of Central Trust Company for Crown Trust Company made before this Act comes into force under the *Crown Trust Company Act, 1983* in or in respect of documents and trusts mentioned in subsection 4 (1) is hereby confirmed and sections 1 and 2, subsection (2) of this section, subsection 4 (2) and sections 5 to 8 of this Act apply thereto as if the substitution had been effected by subsection 4 (1).

Substituted fiduciary

4.—(1) Subject to section 3, Central Trust Company is substituted in the place and stead of Crown Trust Company in or in respect of every trust, trust deed, trust agreement, instrument of creation, settlement, assignment, will, codicil or other testamentary document, and every letters probate, letters of administration, judgment, decree, order, direction, or appointment of any court, judge or other constituted authority, and every other document or trust howsoever created, including every incomplete or inchoate trust, and in every conveyance, mortgage, assignment, appointment or other writing, wherein or whereby, or of which Crown Trust Company is named as executor, administrator, trustee, bailee, committee, assignee, liquidator, receiver, guardian, curator or agent, or is named to any other office or position whatsoever wherein any property, interest, possibility, or right is vested in, administered or managed by, or put in charge of Crown Trust Company in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any person or purpose, and every such document and trust shall be construed and given effect as if Central Trust Company had been named therein in the place and stead of Crown Trust Company.

Idem

(2) Where an instrument specified or described in subsection (1) names Crown Trust Company to any office or position described in that subsection and the instrument takes effect after the substitution of Central Trust Company for Crown Trust Company, Central Trust Company shall be deemed to be named therein in the place of Crown Trust Company.

Real and personal property held in trust by Crown Trust Company

5.—(1) Subject to section 3, all real and personal property and every interest therein that is granted to, or held by, or vested in Crown Trust Company, whether by way of security or otherwise, in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any other person or purpose, pursuant to or in respect of every document and trust to which section 4 applies, and whether in the form in which it was originally acquired by Crown Trust Company or otherwise, is vested in Central Trust Company, according to the tenor of and at the time indicated or intended by the document or trust, upon the same trusts, and with the same powers, rights, immunities, and privileges, and subject to the same obligations and duties as are thereby provided, granted or imposed.

Registration of Act not required

(2) Subject to section 7, for the purposes of every Act affecting the title to property, both real and personal, the vesting of title in Central Trust Company of every property affected by subsection (1) is effective without the registration or filing of this Act, or any further or other instrument, document or certi-

ficate showing the change of title in any public office whatsoever within the jurisdiction of the Province of Ontario.

Legal proceedings

6.—(1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being exercised by or against Crown Trust Company in any court of Ontario, or before any tribunal or agency of the Province of Ontario, pursuant to or in respect of a document or trust to which section 4 applies, shall be discontinued or abated on account of this Act, but may be continued in the name of Central Trust Company, which shall have the same rights, shall be subject to the same liabilities, and shall pay or receive the same costs and award as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of Central Trust Company.

Idem

(2) A suit, action, appeal, application or other proceeding, or a power, right, remedy or right of distress that might have been brought or exercised by or against Crown Trust Company pursuant to or in respect of a document or trust to which section 4 applies, may be brought or exercised by or against Central Trust Company, which shall have the same rights, and shall be subject to the same liabilities, in respect thereof, as those which Crown Trust Company would have or be subject to if this Act had not been enacted.

Idem

(3) In a suit, action, appeal, application or other proceeding that has been continued or commenced in the name of Central Trust Company under subsection (1) or (2), Crown Trust Company and its officers and employees shall be deemed to have been acting on behalf of Central Trust Company in performing any act, whether before or after the commencement of this Act, involving the administration of a document or trust to which section 4 applies, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Crown Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Notice

7.—(1) Where a person is under an obligation to make payments in relation to property that is vested in Central Trust Company under subsection 5 (1), the person may make the payments to Crown Trust Company until Central Trust Company gives or causes to be given notice in writing to the person that payment shall be made to Central Trust Company, and thereupon the person's obligation is owed to Central Trust Company.

Instruments dealing with property

(2) Every instrument dealing with property that is vested in Central Trust Company under subsection 5 (1), but that is reg-

istered in the name of Crown Trust Company in any public office of the Province of Ontario or in respect of which Crown Trust Company is shown by a document of title as having legal ownership thereof, shall be executed by Central Trust Company and shall contain a recital referring to the vesting under this Act.

Idem

(3) An instrument executed by Central Trust Company containing the recital required by subsection (2) may be accepted for registration by any public office within the jurisdiction of the Province of Ontario without further proof of the accuracy of the recital, and every such instrument shall be deemed to be effective as against Crown Trust Company and Central Trust Company in passing title to the property described in the instrument notwithstanding any inaccuracy contained in the recital.

Security interests in personal property R.S.O. 1980, c. 375

(4) For purposes of the *Personal Property Security Act* it is sufficient, in order to show the vesting in Central Trust Company under subsection 5 (1) of any interest in personal property that constitutes a security interest within the meaning of that Act and for which Crown Trust Company is shown as the secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of the vesting as if Crown Trust Company had assigned its interest to Central Trust Company.

Conflict 1983, c. 7

8. Where there is an inconsistency between any provision of this Act and any provision of the *Crown Trust Company Act, 1983*, the provision of this Act prevails to the extent of the inconsistency.

Commencement

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the *Central Trust Company Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 97

(Chapter 64
Statutes of Ontario, 1983)

An Act respecting Central Trust Company and Crown Trust Company

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading	October 21st, 1983
2nd Reading	November 15th, 1983
3rd Reading	November 29th, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 97 **1983**

An Act respecting Central Trust Company and Crown Trust Company

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purpose

1. The purpose of this Act is to provide for the transfer of the trusteeship and agency business of Crown Trust Company to Central Trust Company so that rights and obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined.

Rights of third parties

2. Nothing in this Act affects the rights of any person having a claim against Crown Trust Company in respect of a document or trust to which section 4 applies, or impairs, modifies or affects the liability of Crown Trust Company to any such person, but all such rights as may be enforceable in Ontario may be asserted against Central Trust Company, which shall be responsible for all debts, liabilities, and obligations of Crown Trust Company in respect of every such document and trust.

Non-application

3.—(1) This Act does not apply to,

(a) real or personal property owned or held by, vested in, or granted to Crown Trust Company, and that is held by Crown Trust Company exclusively for its own use and benefit, and not in trust for or for the benefit of any other person or purpose;

(b) real or personal property that is held by Crown Trust Company under a document or trust to which section 4 applies that is situate outside Ontario, and any power, right, immunity, privilege, or right of action that may be exercised by or against Crown Trust Company under any such document or trust with respect to that property, but,

(i) for all property situate outside Ontario for which Crown Trust Company has been appointed, or is entitled to be appointed, by a court of Ontario, as personal representative of a deceased person, whether as executor, administrator or otherwise, Central Trust Company may, upon application to that court, be appointed personal representative in the place and stead of Crown Trust Company with respect to that property, and

(ii) for all property situate outside Ontario not coming within subclause (i), but held by Crown Trust Company under a document or trust to which section 4 applies, for which the Supreme Court of Ontario has jurisdiction under section 5 of the *Trustee Act* to make an order for the appointment of a new trustee, Central Trust Company may, upon application to the Supreme Court, be appointed trustee in the place and stead of Crown Trust Company with respect to that property, and such appointment has for all purposes of the laws of Ontario the same effect as if made under section 5 of the *Trustee Act*,

R.S.O. 1980, c. 512

and sections 1, 2, 6 and 8 of this Act apply to every document and trust in respect of which an appointment is made under subclause (i) or (ii); or

(c) trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any such guaranteed investment of which Crown Trust Company is trustee.

Exception

(2) Notwithstanding clause (1) (c), this Act applies to trusts relating to moneys received for guaranteed investment and any real or personal property held in trust with respect to any registered retirement savings plan, registered retirement income fund, registered home ownership savings plan, deferred profit-sharing plan or income averaging annuity contract, as those terms are defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

Substitution confirmed, application 1983, c. 7

(3) The substitution of Central Trust Company for Crown Trust Company made before this Act comes into force under the *Crown Trust Company Act, 1983* in or in respect of documents and trusts mentioned in subsection 4 (1) is hereby confirmed and sections 1 and 2, subsection (2) of this section, subsection 4 (2) and sections 5 to 8 of this Act apply thereto as if the substitution had been effected by subsection 4 (1).

Substituted fiduciary

4.—(1) Subject to section 3, Central Trust Company is substituted in the place and stead of Crown Trust Company in or in respect of every trust, trust deed, trust agreement, instrument of creation, settlement, assignment, will, codicil or other testamentary document, and every letters probate, letters of administration, judgment, decree, order, direction, or appointment of any court, judge or other constituted authority, and every other document or trust howsoever created, including every incomplete or inchoate trust, and in every conveyance, mortgage, assignment, appointment or other writing, wherein or whereby, or of which Crown Trust Company is named as executor, administrator, trustee, bailee, committee, assignee, liquidator, receiver, guardian, curator or agent, or is named to any other office or position whatsoever wherein any property, interest, possibility, or right is vested in, administered or managed by, or put in charge of Crown Trust Company in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any person or purpose, and every such document and trust shall be construed and given effect as if Central Trust Company had been named therein in the place and stead of Crown Trust Company.

Idem

(2) Where an instrument specified or described in subsection (1) names Crown Trust Company to any office or position described in that subsection and the instrument takes effect after the substitution of Central Trust Company for Crown Trust Company, Central Trust Company shall be deemed to be named therein in the place of Crown Trust Company.

Real and personal property held in trust by Crown Trust Company

5.—(1) Subject to section 3, all real and personal property and every interest therein that is granted to, or held by, or vested in Crown Trust Company, whether by way of security or otherwise, in trust, or in the custody, care or control of Crown Trust Company, for or for the benefit of any other person or purpose, pursuant to or in respect of every document and trust to which section 4 applies, and whether in the form in which it was originally acquired by Crown Trust Company or otherwise, is vested in Central Trust Company, according to the tenor of and at the time indicated or intended by the document or trust, upon the same trusts, and with the same powers, rights, immunities, and privileges, and subject to the same obligations and duties as are thereby provided, granted or imposed.

Registration of Act not required

(2) Subject to section 7, for the purposes of every Act affecting the title to property, both real and personal, the vesting of title in Central Trust Company of every property affected by subsection (1) is effective without the registration or filing of this Act, or any further or other instrument, document or certi-

ficate showing the change of title in any public office whatsoever within the jurisdiction of the Province of Ontario.

Legal proceedings

6.—(1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being exercised by or against Crown Trust Company in any court of Ontario, or before any tribunal or agency of the Province of Ontario, pursuant to or in respect of a document or trust to which section 4 applies, shall be discontinued or abated on account of this Act, but may be continued in the name of Central Trust Company, which shall have the same rights, shall be subject to the same liabilities, and shall pay or receive the same costs and award as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of Central Trust Company.

Idem

(2) A suit, action, appeal, application or other proceeding, or a power, right, remedy or right of distress that might have been brought or exercised by or against Crown Trust Company pursuant to or in respect of a document or trust to which section 4 applies, may be brought or exercised by or against Central Trust Company, which shall have the same rights, and shall be subject to the same liabilities, in respect thereof, as those which Crown Trust Company would have or be subject to if this Act had not been enacted.

Idem

(3) In a suit, action, appeal, application or other proceeding that has been continued or commenced in the name of Central Trust Company under subsection (1) or (2), Crown Trust Company and its officers and employees shall be deemed to have been acting on behalf of Central Trust Company in performing any act, whether before or after the commencement of this Act, involving the administration of a document or trust to which section 4 applies, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Crown Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

Notice

7.—(1) Where a person is under an obligation to make payments in relation to property that is vested in Central Trust Company under subsection 5 (1), the person may make the payments to Crown Trust Company until Central Trust Company gives or causes to be given notice in writing to the person that payment shall be made to Central Trust Company, and thereupon the person's obligation is owed to Central Trust Company.

Instruments dealing with property

(2) Every instrument dealing with property that is vested in Central Trust Company under subsection 5 (1), but that is reg-

istered in the name of Crown Trust Company in any public office of the Province of Ontario or in respect of which Crown Trust Company is shown by a document of title as having legal ownership thereof, shall be executed by Central Trust Company and shall contain a recital referring to the vesting under this Act.

Idem

(3) An instrument executed by Central Trust Company containing the recital required by subsection (2) may be accepted for registration by any public office within the jurisdiction of the Province of Ontario without further proof of the accuracy of the recital, and every such instrument shall be deemed to be effective as against Crown Trust Company and Central Trust Company in passing title to the property described in the instrument notwithstanding any inaccuracy contained in the recital.

Security interests in personal property R.S.O. 1980, c. 375

(4) For purposes of the *Personal Property Security Act* it is sufficient, in order to show the vesting in Central Trust Company under subsection 5 (1) of any interest in personal property that constitutes a security interest within the meaning of that Act and for which Crown Trust Company is shown as the secured party in any financing statement registered under that Act, for a financing change statement to be registered in respect of the vesting as if Crown Trust Company had assigned its interest to Central Trust Company.

Conflict 1983, c. 7

8. Where there is an inconsistency between any provision of this Act and any provision of the *Crown Trust Company Act, 1983*, the provision of this Act prevails to the extent of the inconsistency.

Commencement

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the *Central Trust Company Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 98

An Act to amend the Vital Statistics Act

Mr. Boudria

1st Reading October 25th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill removes all restrictions on the choice of the surname that a child is given at birth and eliminates references to birth within or outside marriage.

Bill 98 1983

An Act to amend the Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) Within thirty days after the day of the birth in Ontario of a child, Statement of birth

(a) the child's parents or a person acting on their behalf, where the child is in their joint custody;

(b) the child's mother or a person acting on her behalf, where the child is not in the parents' joint custody,

shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division which the child was born.

(2) The statement referred to in subsection (1) shall show the child's surname and at least one given name. Child's name

(3) The statement referred to in subsection (1) shall not state whether the child's parents are married to each other. Contents of statement

(4) Where the statement referred to in subsection (1) was given by the child's mother or a person acting on her behalf and, Amendment of registration

(a) the parents together make a request in the prescribed form to amend the registration by showing a different surname for the child; and

(b) where the child is twelve years of age or older, the child consents to the request,

the Registrar General shall amend the registration accordingly.

s. 12, repealed

2. Section 12 of the said Act is repealed.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Vital Statistics Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 99

An Act to amend the Change of Name Act

Mr. Boudria

1st Reading October 25th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would clarify the circumstances under which a divorced parent may change the names of the children in his or her custody without the ex-spouse's consent and would enable an unmarried parent to change the surname of the children in his or her custody to his or her own surname by a similar procedure.

Bill 99 1983

An Act to amend the Change of Name Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Change of Name Act*, being chapter 62 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 7a, enacted

7a.—(1) An unmarried parent may make an application to change to his or her own surname the surname of any of his or her unmarried minor children of whom he or she has lawful custody. Application by unmarried parent

(2) No application under subsection (1) shall be granted unless the other parent, if living, of the child or children is served with notice of the application and consents to the change of name. Consent of other parent

2. Subsections 9 (2) and (3) of the said Act are repealed and the following substituted therefor: s. 9 (2, 3), re-enacted

(2) A person's consent required under subsection 6 (3), 6 (4) or 7a (2) or under section 8 shall be obtained in writing and the person shall appear on the hearing of the application. Consent of other parent or spouse

(3) Notwithstanding subsection (2), in the case of an application under section 6 or 7a, where the judge is satisfied that, Dispensing with consent

(a) the other parent,

(i) has not contributed to the support of, or visited or communicated with the child or children during the two year period preceding the application,

(ii) cannot be found, or

(iii) is incapable of consenting to the change of name; or

(b) the best interests of the child or children require that the other parent's consent be dispensed with,

the judge may dispense with the service of the notice of the application on the other parent and may hear the application in his or her absence and without his or her consent.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Change of Name Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 100

An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario

The Hon. R. McMurtry
Attorney General

1st Reading October 27th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

This Bill is a revision and consolidation of all the courts Acts and of related legislation. It has been prepared concurrently with the preparation of new Rules of Civil Procedure arising out of the Report of the Civil Procedure Revision Committee chaired by the late Walter Williston, Q.C. The new rules of court are being prepared by a subcommittee of the Rules Committee under the chairmanship of Mr. Justice Morden, and will be made by the Rules Committee under the *Courts of Justice Act, 1983*.

PART I. There is little substantive change in the organization of the Supreme Court. Appeals from monetary judgments of the High Court or the District Court for less than $25,000 will be heard by the Divisional Court rather than the Court of Appeal.

PART II. The county and district courts are amalgamated into one court called the District Court. The monetary jurisdiction of the District Court is increased to $25,000. The courts of general sessions of the peace and the county court judge's criminal court are also absorbed by the District Court.

PART III. There is little substantive change in the organization of the Unified Family Court.

PART IV. The separate provincial courts for each county and district are amalgamated into province-wide courts; that is, the Provincial Court (Criminal Division), the Provincial Court (Family Division) and the Provincial Offences Court. The small claims courts and the existing Provincial Court (Civil Division) in Metropolitan Toronto all become the Provincial Court (Civil Division).

The provisions relating to the tenure and removal of provincial judges are made similar to those applying to federally appointed judges. Many of the recommendations of the Gale Report on the *Provincial Courts Act* are implemented.

PART V. The rule-making authority is revised to relate to the new Rules of Civil Procedure.

PART VI. The respective responsibilities of the Attorney General and the judiciary in the administration of the courts are outlined and an Ontario Courts Advisory Council is established.

PART VII. The general provisions for judges and court officers contain little change, but changes include the abolition of the concept of a judge acting as *persona designata*.

PART VIII. The provisions for the law respecting court proceedings are extensively revised. Changes are principally in procedures but include making both French and English the official languages of the courts, subject to provisions governing their use.

PART IX. The transitional provisions ensure the continuation of jurisdiction and proceedings in the appropriate court.

PART X. SECTION 161. The provision deleted provides for the making of rules of procedure for certain court matters arising under the Act. Any rules required will be provided by the Rules for Civil Procedure under section 91 of this Bill.

SECTION 162. The office of clerk of the peace is abolished in implementation of the Ontario Law Reform Commission Report on the Administration of Ontario Courts, Part II, page 94. The amendment is one of a series in this Bill to replace the clerk of the peace by another appropriate officer.

SECTION 163. The provision deleted provides for the closing of court proceedings to the public. The matter is covered by the general rule in section 145 of this Bill.

SECTION 164. The repealed provision appears as section 19 of this Bill.

SECTION 165. The amendments adapt the terminology and procedures in the provisions referring to court proceedings to make them accord with new terminology and procedures in this Bill and the proposed Rules of Civil Procedure.

SECTION 166. See the explanatory note for section 162 of this Bill.

SECTION 167. This section abolishes the county and district court judges' criminal courts. It is proposed to have this jurisdiction given to the District Court.

SECTIONS 168 and 169. The *County Courts Act* and the *County Judges Act* are replaced by Part II of this Bill.

SECTION 170. See the explanatory notes for sections 162, 167 and 180.

SECTION 171. The section repealed provides for the service of documents on residents of facilities for the developmentally handicapped. The procedure for service will be included in the new Rules of Civil Procedure made under section 91 of this Bill.

SECTION 172. See the explanatory note for section 162 of this Bill.

SECTION 173. Section 1 of the repealed Act is contained in section 155 of this Bill. The remainder will be dealt with by intergovernmental agreement.

SECTION 174. The repealed provision provides for court procedures which will be dealt with by the proposed Rules of Civil Procedure made under section 91 of this Bill.

SECTION 175. The provisions repealed are now dealt with by section 152 of this Bill.

SECTION 176.—Subsection 1. The amendment supplements the *prima facie* validity given to examinations and depositions made before a judge or other appointed officer, when used in transcript form.

Subsection 2. The amendment will permit commission evidence to be taken in Ontario for use outside Ontario for purposes other than a trial.

SECTION 177.—Subsection 1. The amendment clarifies the sheriff's power to enter premises to enforce court orders. The need for clarification has been recommended by the Ontario Law Reform Commission in its 1981 Report on the Enforcement of Judgments and Related Matters, Part II, p. 110.

Subsection 2. The provision repealed provides for certain fees payable to the sheriff which are now provided for under the *Administration of Justice Act.*

Subsection 3. The new provision moves rule 551 of the present Rules into the *Execution Act* and eliminates charging orders in execution against a partner's share in a partnership, as recommended by the Ontario Law Reform Commission in its Report on the Enforcement of Judgments and Related Matters, Part II, p. 256.

SECTION 178. The provisions repealed are covered in sections 100 and 101 of this Bill.

SECTION 179.—Subsection 1. The provision repealed provides for the exclusion of the public from hearings. The matter is dealt with by section 145 of this Bill.

Subsections 2 and 3. The changes recognize that each court will have province wide jurisdiction.

Subsection 4. The provision repealed provides for the attachment of wages. The matter will be dealt with by garnishment provisions of the proposed Rules of Civil Procedure.

SECTIONS 180, 181 and 182. The courts of general sessions of the peace are abolished. It is proposed to have this jurisdiction given to the District Court.

SECTION 183. The amendment revises the terminology respecting the forms in which claims may be made in an action.

SECTION 184.—Subsection 1. The amendment moves section 131 of the *Judicature Act* into the *Interpretation Act* and widens its application to include matters other than court proceedings.

Subsection 2. The sections repealed apply to court procedures now covered in this Bill and the proposed Rules of Civil Procedure.

Subsections 3 and 4. References to the *Judicature Act* are replaced by references to the *Courts of Justice Act, 1983.*

SECTION 185. The amendment widens the definition of subpoena to include the attendance of witnesses at an examination.

SECTION 186. The Act repealed principally provides for the case where a judge acts as *persona designata*. The concept is abolished by section 98 of this Bill.

SECTION 187. The *Judicature Act* will be replaced by this Bill.

SECTION 188. The provision repealed speaks on the application of rules of court to judicial review and is repealed as unnecessary.

SECTION 189. The amendments adjust the terminology to reflect the elimination of the terms "court of general sessions of the peace" and "clerk of the peace" and the replacement of the *Judicature Act* by this Bill. Subsection (4) permits the issuance of joint precepts for jurors for Supreme and District Court sittings held at the same time.

SECTION 190. The provision repealed relates to the registering of certificates of pending litigation, which is to be governed by section 117 of this Bill.

SECTION 191. The provision repealed provides for the payment of money into court in libel actions. The matter will be dealt with in the proposed Rules of Civil Procedure.

SECTION 192. The provision repealed defines "action" which is more adequately covered by this Bill.

SECTION 193. Section 1 of the repealed Act is contained in section 126 of this Bill.

Sections 2 and 3 deal with court procedures and will be superseded by this Bill and the proposed Rules of Civil Procedure.

Section 4 provides for the office of Queen's Proctor which is eliminated and remaining functions assumed by the Attorney General under the proposed Rules of Civil Procedure.

SECTION 194. The provision repealed provides for the service of documents on patients in psychiatric facilities. This will be covered by the proposed Rules of Civil Procedure.

SECTION 195. The requirement that an order of a county or district judge be confirmed by a Supreme Court judge is eliminated.

SECTION 196. The amendments adjust the terminology for designating the officers who assess costs in a proceeding.

SECTION 197. The provision repealed provides for rules of procedure in court matters. All rules governing court procedures will be made under section 91 of this Bill.

SECTION 198. The provision repealed defines "action" as including a counterclaim. Its repeal permits the definition of action in this Bill to apply and include crossclaims and third party claims.

SECTION 199. The provisions for procedures on appeal are deleted, to be dealt with under section 91 of this Bill.

SECTION 200. The amendments adjust terminology to refer to an application as a method of commencing a proceeding and a motion as a step in a proceeding.

SECTION 201. The provision repealed provides for the Commissioner of the Ontario Provincial Police to be *ex officio* a provincial judge.

SECTION 202. See the explanatory note for section 162 of this Bill.

SECTION 203.—Subsection 1. The reference deleted is to a provision that no longer exists.

Subsection 2. The amendment revises the service of documents on the Crown to accord with similar provisions in the proposed Rules.

Subsection 3. The amendment permits moneys to be paid out of the Consolidated Revenue Fund in payment of settlements of court actions, without a court order.

SECTION 204. The *Provincial Courts Act* is superseded by this Bill except the provisions for juvenile observation and detention homes.

SECTION 205. The Act repealed is superseded by this Bill.

SECTION 206.—Subsection 1. The amendment clarifies that the limitation periods referred to are those applying by or under any Act and not to be "prescribed" by the regulations.

Subsections 2 and 3. The amendment makes clear that there is no appeal from an order respecting leave to appeal.

SECTION 207. The subject matter in the Act repealed is now dealt with by other more specific provisions throughout the legislation.

SECTION 208. The *Quieting Titles Act* is repealed as being no longer necessary in view of the *Certification of Titles Act* and the proposed Rules of Civil Procedure.

SECTION 209. The provision repealed provides for making rules of court which can be made under section 91 of this Bill.

SECTION 210. The main provisions of the *Replevin Act* are contained in sections 118 and 177 of this Bill.

SECTION 211. The provision repealed defines "action" which is more adequately covered by this Bill.

SECTION 212.—Subsection 1. The new section 1 brings the appointment of sheriffs and deputy sheriffs into uniformity with the appointment of other court officers. In the new section 2, an obsolete provision is replaced by a useful general principle giving the sheriff standing to enforce court processes.

Subsection 2. The provision repealed provides for the payment of certain fees to sheriffs. All fees are to be provided for under the *Administration of Justice Act*.

Subsection 3. The hours of business for sheriffs' offices are made to correspond with those of court offices.

Subsection 4. See the explanatory note to section 181 of this Bill.

Subsection 5. The provision repealed provides for the duties of deputy sheriff. This is covered in the new section 1 of the Act.

SECTION 213. The *Small Claims Courts Act* is repealed and the courts provided for in sections 78 to 85 of this Bill as part of the Provincial Court (Civil Division).

SECTION 214.—Subsections 1 and 2. The terminology and procedure are made consistent with the new Rules of Civil Procedure.

Subsections 3 and 6. The new provisions are now provided for as Rules 675 and 696 of the Rules of the Supreme Court. Rule 696 is moved to the statute following the recommendation of the Ontario Law Reform Commission Report on the *Solicitors Act (1973)*, pp. 36, 37.

Subsection 4. The provision repealed provides for court procedures which are provided for under section 91 of this Bill.

Subsections 5 and 7. The amendment updates a reference to the corresponding provision of this Bill.

SECTION 215.—Subsection 1. The provision repealed provides for seals of the courts and is covered by section 154 of this Bill.

Subsection 2. The maximum fine for contempt of court is raised from $100 to $10,000.

Subsection 3. The words deleted are provided for in the rule making power in subsection (7) of this section.

Subsection 4. The provision repealed provides for the oath of office of judges of the Surrogate Court. The matter is covered by a general provision in section 97 of this Bill applying to all judges.

Subsection 5. The provision is added to correspond with the appointment of registrars and deputy registrars in other courts.

Subsection 6. The provisions repealed are adequately provided for elsewhere.

Subsection 7. The rule making authority for surrogate courts is revised to correspond with the authority of other courts under this Act.

SECTION 216.—Subsections 1 and 2. The repository for orders removing trustees is changed from the Registrar of the Supreme Court to the Surrogate Clerk for Ontario.

Subsection 3. The provisions repealed relate to court procedures which are adequately covered by this Bill and the Rules of Civil Procedure.

SECTION 217. The *Unified Family Court Act* is repealed and the court is provided for by Part III of this Bill.

SECTION 218. The *Vexatious Proceedings Act* is repealed and its content is covered in section 150 of this Bill.

SECTION 219. The provision repealed defines "action", which is more adequately covered by this Bill.

SECTION 220. The provision repealed provides authority for making rules prescribing forms. Ample authority for such rules exists under this Bill.

Bill 100 1983

An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "action" means a civil proceeding that is not an application and includes a proceeding commenced in the Supreme Court or the District Court by,

(i) statement of claim,

(ii) notice of action,

(iii) counterclaim,

(iv) crossclaim,

(v) third or subsequent party claim, or

(vi) divorce petition or counterpetition,

and a proceeding commenced in the Provincial Court (Civil Division) by claim;

(b) "application" means a civil proceeding in the Supreme Court or the District Court that is commenced by notice of application or a civil proceeding in the Unified Family Court, a surrogate court or the Provincial Court (Family Division) that is commenced by application;

(c) "defendant" means a person against whom an action is commenced;

(d) "hearing" includes a trial;

(e) "motion" means a motion in a proceeding or an intended proceeding;

(f) "order" includes a judgment or decree;

(g) "plaintiff" means a person who commences an action;

(h) "Rules of Civil Procedure" means the rules for the Supreme Court and the District Court made under Part V.

PART I

SUPREME COURT OF ONTARIO

ORGANIZATION

Supreme Court

2.—(1) The Supreme Court of Ontario is continued as a superior court of record having civil and criminal jurisdiction, with all the jurisdiction, power and authority historically exercised by courts of common law and equity in England and Ontario.

Branches

(2) The Supreme Court shall continue to consist of two branches, the Court of Appeal for Ontario and the High Court of Justice for Ontario. R.S.O. 1980, c. 223, ss. 2, 3.

Court of Appeal

3.—(1) The Court of Appeal shall consist of the Chief Justice of Ontario, who shall be president of the court, the Associate Chief Justice of Ontario and fourteen other judges to be called justices of appeal.

Absence of Chief Justice

(2) Where the Chief Justice of Ontario is absent from Ontario or is for any reason unable to act, the powers and duties of the Chief Justice as president of the Court of Appeal shall be exercised and performed by the Associate Chief Justice of Ontario or, where both are absent or unable to act, by the senior justice of appeal who is present and able to act. R.S.O. 1980, c. 223, s. 4.

High Court

4.—(1) The High Court shall consist of the Chief Justice of the High Court, who shall be president of the court, the Associate Chief Justice of the High Court and such number of other judges as is fixed under subsection (2). R.S.O. 1980, c. 223, s. 5 (1).

Number of judges

(2) The Lieutenant Governor in Council may by regulation fix the number of judges of the High Court who are in addition to the Chief Justice and Associate Chief Justice, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction. 1981, c. 23, s. 2 (2).

Absence of Chief Justice

(3) Where the Chief Justice of the High Court is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Justice of the High Court shall be exercised and performed by the Associate Chief Justice of the High Court or, where both are absent or unable to act, by the senior judge of the High Court who is present and able to act. R.S.O. 1980, c. 223, s. 5 (2).

Divisional Court

5.—(1) There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the Divisional Court as the Chief Justice may designate from time to time.

Jurisdiction of judges

(2) Every judge of the High Court is also a judge of the Divisional Court. R.S.O. 1980, c. 223, s. 7.

Additional judges

6.—(1) For each of the offices of Chief Justice of Ontario and Associate Chief Justice of Ontario there shall be such additional offices of judges of the Court of Appeal as are from time to time required, to be held by Chief Justices of Ontario and Associate Chief Justices of Ontario who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Court of Appeal.

R.S.C. 1970, c. J-1

Idem

(2) For each of the offices of Chief Justice of the High Court and Associate Chief Justice of the High Court there shall be such additional offices of judge of the High Court as are from

time to time required, to be held by Chief Justices of the High Court and Associate Chief Justices of the High Court who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the High Court. *New.*

R.S.C. 1970, c. J-1

Super-numerary judges

(3) For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. R.S.O. 1980, c. 223, s. 6.

Rank and precedence

7.—(1) The judges of the Supreme Court have rank and precedence as follows:

1. The Chief Justice of Ontario.
2. The Chief Justice of the High Court.
3. The Associate Chief Justice of Ontario.
4. The Associate Chief Justice of the High Court.
5. The other judges of the Supreme Court, according to seniority of appointment. R.S.O. 1980, c. 223, s. 8.

Court of Appeal

(2) Among themselves, the judges of the Court of Appeal have rank and precedence, after the Chief Justice of Ontario and the Associate Chief Justice of Ontario, according to seniority of appointment to the Court of Appeal. *New.*

Jurisdiction of judges

8. A judge appointed to the Court of Appeal or the High Court is a judge of the Supreme Court and, by virtue of his or her office, a judge of the branch of which he or she is not a member and, except as otherwise provided, all judges of the Supreme Court have equal jurisdiction, power and authority. R.S.O. 1980, c. 223, s. 9.

Assignment of judges to another court

9.—(1) The Chief Justice of Ontario may assign a judge of the Court of Appeal to perform, in Toronto, the work of a judge of the High Court.

Idem

(2) The Chief Justice of Ontario, with the concurrence of the Chief Justice of the High Court, may assign a judge of the High Court to sit as a member of the Court of Appeal. R.S.O. 1980, c. 223, s. 42 (1, 2).

Council of judges

10.—(1) A council of the judges of the Supreme Court shall be held in Toronto at least once in each year, on a day fixed by the Chief Justice of Ontario, for the purpose of con-

sidering this Act, the Rules of Civil Procedure and the administration of justice generally.

Recommendations

(2) The judges shall report their recommendations to the Attorney General. R.S.O. 1980, c. 223, s. 118 (1, 2).

Delegation of powers

11. Where a power or authority is conferred on the judges of the Supreme Court or the High Court as a body, they may delegate the power or authority to a committee of themselves. R.S.O. 1980, c. 223, s. 119 (1).

Local judges

12.—(1) Every District Court judge may be appointed as a local judge of the High Court.

Jurisdiction

(2) Every local judge has the jurisdiction conferred by the Rules of Civil Procedure.

Idem

(3) Subject to the Rules of Civil Procedure, every local judge has all the jurisdiction of a judge of the High Court to hear and determine actions under the *Divorce Act* (Canada) and, where a claim for other relief is joined in a petition for divorce, a local judge has the same jurisdiction to hear and determine the claim as a judge of the High Court.

R.S.C. 1970, c. D-8

Idem

(4) A local judge may act in any county or district. R.S.O. 1980, c. 223, s. 121.

JURISDICTION

High Court jurisdiction

13.—(1) Unless otherwise provided, proceedings in the Supreme Court shall be in the High Court. *New.*

Appeals to High Court

(2) Subject to the *Divorce Act* (Canada), an appeal lies to the High Court from,

(a) an interlocutory order of a master;

(b) an interlocutory order of a local judge of the High Court, where the order could have been made by a master;

(c) a certificate of assessment of costs issued in a proceeding in the Supreme Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure. *New.*

Composition of court for hearings

14.—(1) Unless otherwise provided by an Act or the Rules of Civil Procedure, every proceeding in the High Court shall be heard and determined by one judge of the High Court.

Sittings

(2) The sittings of the High Court and the assignment of judges thereto shall be determined by the judges of the High Court, with power in the Chief Justice of the High Court to make such readjustment or reassignment as is necessary from time to time. R.S.O. 1980, c. 223, s. 45 (1-3).

Idem

(3) At least two sittings of the High Court shall be held in each year in every county and district but, when the trial list for a sitting of the High Court does not have a sufficient number of cases to justify a separate sitting, the sitting may be held in an adjacent county or district. R.S.O. 1980, c. 223, s. 48 (6).

Divisional Court jurisdiction
R.S.C. 1970, c. D-8

15.—(1) Subject to the *Divorce Act* (Canada), an appeal lies to the Divisional Court from,

(a) a final order of a judge or local judge of the High Court,

(i) for the payment of a lump sum of not more than $25,000, exclusive of interest and costs,

(ii) for periodic payments that amount to not more than $25,000, exclusive of interest and costs, in the twelve months following the date of the order,

(iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or

(iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii);

(b) an interlocutory order of a judge of the High Court, with leave as provided in the Rules of Civil Procedure, other than an order made on an appeal from the District Court;

(c) an interlocutory order of a local judge of the High Court, with leave as provided in the Rules of Civil Procedure, other than an order that could have been made by a master;

(d) a final order of a master;

(e) a final order of a local judge of the High Court, where the order could have been made by a master. R.S.O. 1980, c. 223, s. 17.

Combining of appeals lying to High Court

(2) Where an appeal in a proceeding lies to the High Court and an appeal in the same proceeding lies to and is taken to the Divisional Court, the Divisional Court has jurisdiction to hear and determine the appeal that lies to the High Court at the same time as the appeal to the Divisional Court and may, on motion, transfer an appeal that has already been commenced in the High Court to the Divisional Court. *New.*

Composition of court for hearings

16.—(1) Unless otherwise provided, every proceeding in the Divisional Court shall be heard and determined by three judges sitting together.

Idem

(2) A proceeding in the Divisional Court may be heard and determined by one judge where the proceeding,

(a) is an appeal under clause 15 (1) (d) or (e);

(b) is an appeal under section 83 (from the Provincial Court (Civil Division)); or

(c) is in a matter that the Chief Justice of the High Court or a judge designated by the Chief Justice is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard and determined by one judge. R.S.O. 1980, c. 223, s. 46.

Idem

(3) A motion in the Divisional Court, except a motion for leave to appeal or to quash an appeal, shall be heard and determined by one judge, but,

(a) the judge may adjourn the motion to a panel of the Divisional Court;

(b) where the motion is heard by one judge, a panel of the Divisional Court may, on motion, set aside or vary the decision of the judge. R.S.O. 1980, c. 223, s. 40.

Sittings

(4) Sittings of the Divisional Court shall be held at such times and in such places as the Chief Justice of the High Court directs. R.S.O. 1980, c. 223, s. 46 (4).

Court of Appeal jurisdiction

17.—(1) An appeal lies to the Court of Appeal from,

(a) an order of the Divisional Court, on a question that is not a question of fact alone, with leave as provided in the Rules of Civil Procedure;

(b) a final order of a judge of the High Court, except an order referred to in clause 15 (1) (a);

(c) a final order of a local judge of the High Court, except an order referred to in clause 15 (1) (a) or where the order could have been made by a master. R.S.O. 1980, c. 223, s. 28 (1).

Combining of appeals lying to other courts

(2) Where an appeal in a proceeding lies to the Divisional Court or High Court, and an appeal in the same proceeding lies to and is taken to the Court of Appeal, the Court of Appeal has jurisdiction to hear and determine the appeal that lies to the Divisional Court or High Court at the same time as the appeal to the Court of Appeal and may, on motion, transfer an appeal that has already been commenced in the High Court or Divisional Court to the Court of Appeal. *New.*

Composition of court for hearings

18.—(1) Unless otherwise provided, every proceeding in the Court of Appeal shall be heard and determined by not fewer than three judges sitting together, and always by an uneven number of judges.

Idem

R.S.C. 1970, c. D-8

(2) An appeal to the Court of Appeal from an interim order under section 10 of the *Divorce Act* (Canada) may be heard and determined by one judge, unless it is to be heard with an appeal that, but for subsection 17 (2), would have been heard by three judges of the Divisional Court. R.S.O. 1980, c. 223, s. 41.

Idem

(3) A motion in the Court of Appeal, except a motion for leave to appeal or to quash an appeal, shall be heard and determined by one judge, but,

(a) the judge may adjourn the motion to a panel of the Court of Appeal;

(b) where the motion is heard by one judge, a panel of the Court of Appeal may, on motion, set aside or vary the decision of the judge. R.S.O. 1980, c. 223, s. 33.

Presiding judge

(4) The senior judge on a panel of the Court of Appeal shall preside but, where the senior judge is a supernumerary judge, the Chief Justice of Ontario, on the request of the senior judge, may designate another judge to preside. R.S.O. 1980, c. 223, s. 44.

Sittings

(5) The Chief Justice of Ontario has general supervision and direction over the sittings of the Court of Appeal and the assignment of the judicial duties of the court. R.S.O. 1980, c. 223, s. 41 (4).

References to Court of Appeal

19.—(1) The Lieutenant Governor in Council may refer any question to the Court of Appeal for hearing and consideration.

Opinion of court

(2) The court shall certify its opinion to the Lieutenant Governor in Council, accompanied by a statement of the reasons therefor, and any judge who differs from the opinion may in like manner certify his or her opinion and reasons.

Submissions by Attorney General

(3) On the hearing of the question, the Attorney General of Ontario is entitled to make submissions to the court.

Idem

(4) Where a question relates to the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature, or of a regulation or by-law made thereunder, the Attorney General of Canada shall be notified and is entitled to make submissions to the court.

Notice

(5) The court may direct that any person interested, or any one or more persons as representatives of a class of persons interested, be notified of the hearing and be entitled to make submissions to the court.

Appointment of counsel

(6) Where an interest affected is not represented by counsel, the court may request counsel to argue on behalf of the interest, and the reasonable expenses thereof shall be paid by the Treasurer of Ontario.

Appeal

(7) The opinion of the court shall be deemed to be a judgment of the court and an appeal lies therefrom as from a judgment in an action. R.S.O. 1980, c.86.

OFFICERS

Masters

20.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such masters of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 96 (1).

Qualifications

(2) No person shall be appointed as a master unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years.

Jurisdiction

(3) Every master has the jurisdiction conferred by the Rules of Civil Procedure. *New.*

Regulations

(4) The Lieutenant Governor in Council may make regulations,

(a) fixing the remuneration of masters;

(b) providing for the benefits to which masters are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for masters and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters under this section were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment under this section or a predecessor thereof. R.S.O. 1980, c. 223, s. 100 (1).

R.S.O. 1980, cc. 418, 419

Senior Master

(5) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.

Duties

(6) The Senior Master has general supervision and direction over the sittings of the masters and the assignment of their judicial duties.

Temporary appointments

(7) The Attorney General may designate a master to act in the place of the Senior Master for all purposes during his or her absence or inability to act. R.S.O. 1980, c. 223, s. 99.

Application of ss. 54-61, 66

(8) Sections 54 to 61 and section 66 apply with necessary modifications to masters and the Senior Master in the same manner as to provincial judges and a chief judge, respectively. R.S.O. 1980, c. 223, ss. 96 (2-4), 97, 98, 100 (2, 3).

Registrar

21.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a Registrar of the Supreme Court of Ontario.

Local registrars

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the Supreme Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. *New.*

Deputy local registrars

(3) With the approval of the Attorney General, every local registrar may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

Accountant

22.—(1) The Accountant of the Supreme Court is continued as a corporation sole by the name of "Accountant of the Supreme Court of Ontario".

Appointment

(2) The Lieutenant Governor in Council may appoint the Accountant of the Supreme Court.

Money vested in Accountant

(3) Money paid into the Supreme Court shall be paid to the Accountant and such money and securities in which the money is invested are vested in the Accountant. R.S.O. 1980, c. 223, s. 110 (1, 2).

Security held by Accountant

(4) Mortgages and other securities taken under an order of the Supreme Court and instruments taken as security in respect of a proceeding in the Supreme Court shall be taken in the name of the Accountant and shall be deposited in his or her office, except where an order provides otherwise.

Idem

(5) Subject to an order of the court, the Accountant has no duty or obligation in respect of the instruments deposited under subsection (4) except as custodian of the instruments. *New.*

Audit by Provincial Auditor

(6) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Accountant. R.S.O. 1980, c. 223, s. 115.

Finance committee

23.—(1) The finance committee is continued and shall be composed of three persons appointed by the Lieutenant Governor in Council.

Management of court funds

(2) The finance committee has control and management of the money in the Supreme Court, the investment of the money and the securities in which it is invested.

Investment of court funds

R.S.O. 1980, c. 161

(3) Money that is available for investment shall be invested in investments in which the Treasurer of Ontario may invest public money under section 3 of the *Financial Administration Act*.

Employment of trust company

(4) The finance committee may employ a trust company to make the investments or act as custodian of the securities purchased as investments.

Interest

(5) The finance committee may provide for the payment of interest on money paid into the Supreme Court and may fix the rate of interest so paid.

Reserve funds

(6) The finance committee may establish such reserve funds as it considers necessary. R.S.O. 1980, c. 223, s. 111.

Other Officers

24. In addition to the officers specifically provided for in this Act, the Lieutenant Governor in Council on the recommendation of the Attorney General, may appoint such officers of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 83 (1).

PART II

DISTRICT COURT OF ONTARIO

ORGANIZATION

District Court

25.—(1) The county and district courts are amalgamated and continued as a single court of record having civil and criminal jurisdiction, named the District Court of Ontario. R.S.O. 1980, c. 100, s. 2.

Judge to preside

(2) The District Court shall be presided over by a judge of the court. R.S.O. 1980, c.100, s. 3.

Judges

26.—(1) The District Court shall consist of the Chief Judge of the District Court, who shall be president of the court, the Associate Chief Judge of the District Court, a senior judge for each county or district designated under clause (2) (b) and such number of other judges as is fixed under clause (2) (a). R.S.O. 1980, c. 101, s. 1.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) fixing the number of judges of the court who are in addition to the Chief Judge, Associate Chief Judge and senior judges, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction;

(b) designating counties and districts to which more than one judge shall be assigned; and

(c) establishing regions for the purposes of this Part. R.S.O. 1980, c. 101, s. 4 (1).

(3) A judge of a county or district court may preside as a judge of the District Court. County or district judges presiding in District Court

(4) Nothing in this Part affects the rights or privileges of a judge who was appointed as a judge of a county or district court before this Part comes into force. Rights and privileges of judges preserved

27.—(1) The Chief Judge of the District Court has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court. R.S.O. 1980, c. 101, s. 15 (4). Chief Judge

(2) At least one judge of the District Court shall be assigned by the Chief Judge to each county and district. *New.* Assignment of judges

(3) For the purposes of arranging the sittings of the District Court and considering matters relating to the court and the judges, the Chief Judge shall convene a meeting of the judges of each region at least once in every year. R.S.O. 1980, c. 101, s. 16 (5). Annual meeting in regions

(4) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. R.S.O. 1980, c. 101, s. 16 (3). Absence of Chief Judge

28.—(1) The senior judge of a county or district shall, subject to the authority of the Chief Judge, direct and supervise the sittings of the court in the county or district and the assignment of the judicial duties of the court in the county or district. R.S.O. 1980, c. 101, s. 7. Senior judges

(2) A judge who, on the coming into force of this Part, was a senior judge of a county or district court under subsection 2 (2) of the *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, may, subject to the authority of the Chief Judge, direct and supervise the sittings of the District Court in the county or district and the assignment of the judicial duties of the District Court in the county or district. *New.* Idem

29.—(1) For each of the offices of Chief Judge of the District Court and Associate Chief Judge of the District Court, there shall be such additional offices of judge of the District Court as are from time to time required, to be held by Chief Judges and Associate Chief Judges who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the District Court. *New.* Additional judges

R.S.C. 1970, c. J-1

Super-numerary judges R.S.C. 1970, c. J-1

(2) For each office of judge of the District Court, there shall be the additional office of supernumerary judge held by a judge of the court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of the court. R.S.O. 1980, c. 101, s. 5 (1).

Rank and precedence

30. The judges of the District Court have rank and precedence as follows:

1. The Chief Judge of the District Court.

2. The Associate Chief Judge of the District Court.

3. The other judges of the District Court, according to seniority of appointment. R.S.O. 1980, c. 101, s. 6.

Annual meeting

31.—(1) A meeting of the judges of the District Court shall be held in Toronto at least once in every year, on a day fixed by the Chief Judge of the District Court, for the purpose of considering this Act, the Rules of Civil Procedure and the administration of justice generally. R.S.O. 1980, c. 101, s. 16 (8).

Recommendations

(2) The judges shall report their recommendations to the Attorney General. *New.*

JURISDICTION

Jurisdiction

32.—(1) The District Court has jurisdiction to hear and determine any action except,

(a) where the sum claimed or the value of the property that is the subject of the action exceeds $25,000, exclusive of interest and costs; or

(b) where another court is required by an Act to hear and determine the action.

Idem

(2) The District Court does not have jurisdiction to grant prerogative remedies. R.S.O. 1980, c. 100, s. 14 (1).

Dispute of monetary jurisdiction

33.—(1) A defendant who disputes the jurisdiction of the District Court on the ground that the monetary limit mentioned in clause 32 (1) (a) has been exceeded shall do so in the statement of defence.

Transfer or abandonment of excess by plaintiff

(2) Where a defendant disputes the monetary jurisdiction of the District Court in accordance with subsection (1), the plaintiff may, within fifteen days after the filing of the statement of defence,

(a) on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or

(b) abandon the amount of the claim in excess of the monetary limit by serving and filing a notice abandoning the excess, in which case the plaintiff is not entitled to recover the excess in any other proceeding.

Transfer by defendant

(3) Where the plaintiff does not take one of the steps permitted by subsection (2), the defendant may, within thirty days after the filing of the statement of defence,

(a) where the action includes a claim for money in excess of the monetary limit mentioned in clause 32 (1) (a), on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or

(b) in any other case, make a motion to a judge of the High Court for an order transferring the action to the Supreme Court on the ground that the action is beyond the monetary jurisdiction of the District Court.

Jurisdiction conclusive

(4) Where,

(a) the monetary jurisdiction of the court is not disputed under subsection (1);

(b) the plaintiff and the defendant fail to take the steps permitted by subsections (2) and (3); or

(c) a motion under clause (3) (b) is dismissed,

the District Court has the monetary jurisdiction to hear and determine the action. R.S.O. 1980, c. 100, s. 14 (2-5).

Continuation in Supreme Court

(5) An action that is transferred to the Supreme Court under this section shall be titled in the Supreme Court and shall be continued as if it had been commenced in the Supreme Court. R.S.O. 1980, c. 100, s. 16.

Counterclaims, etc.

(6) This section applies with necessary modifications to a counterclaim, crossclaim, third or subsequent party claim or a defence of set off, in which a claim is made in excess of the monetary limit mentioned in clause 32 (1) (a). R.S.O. 1980, c. 100, s. 15.

Transfer of all claims in main action

(7) Where an action is transferred to the Supreme Court under this section, any counterclaim, crossclaim or third or subsequent party claim in the action shall also be transferred, and where a counterclaim, crossclaim or third or subsequent party claim is transferred to the Supreme Court under this section, the main action and any other counterclaim, crossclaim or third or subsequent party claim in the main action shall also be transferred. *New.*

Transfer from Supreme Court to District Court

34.—(1) An action in the Supreme Court may be transferred to the District Court by the local registrar of the Supreme Court in the county or district where the action was commenced, upon requisition with the consent of all parties filed before the trial commences.

Idem, by order

(2) On motion to a judge of the High Court made before the trial commences, an action in the Supreme Court may be transferred to the District Court where it appears that the amount of a judgment in the action will be, or the value of property that is the subject of the action is, within the monetary jurisdiction of the District Court.

Conduct of transferred proceeding

(3) Where an action is transferred to the District Court under this section,

(a) the court has the monetary jurisdiction to hear and determine the action; and

(b) the action shall be titled in the District Court and shall be continued as if it had been commenced in that court. *New.*

Powers of Court

35.—(1) With respect to any matter within its jurisdiction, the District Court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 100, ss. 20, 26.

Contempt of Court

(2) The District Court may punish by fine or imprisonment, or by both, a wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed $10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 100, s. 27.

Appeal to Court of Appeal

36.—(1) An appeal from a final order of a judge of the District Court, except an order referred to in subsection (2), lies to the Court of Appeal. R.S.O. 1980, c. 100, ss. 31, 34.

Appeal to Divisional Court

(2) An appeal lies to the Divisional Court from a final order of a judge of the District Court,

(a) for the payment of a lump sum of not more than $25,000, exclusive of interest and costs;

(b) for periodic payments that amount to not more than $25,000, exclusive of interest and costs, in the twelve months following the date of the order;

(c) dismissing a claim for an amount that is not more than the amount set out in clause (a) or (b); or

(d) dismissing a claim for an amount that is more than the amount set out in clause (a) or (b) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in clause (a) or (b).

Appeal from interlocutory orders

(3) Subject to subsection (4), an appeal from an interlocutory order of a judge of the District Court lies to the High Court. R.S.O. 1980, c. 100, s. 40.

Idem

(4) No appeal lies from an interlocutory order of a judge of the District Court made on an appeal from an interlocutory order of the Provincial Court (Family Division).

Appeal from assessment of costs

(5) An appeal from a certificate of assessment of costs issued in a proceeding in the District Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure, lies to the High Court. *New.*

OFFICERS

Local registrars

37.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the District Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. R.S.O. 1980, c. 100, s. 4 (1).

Deputy local registrar

(2) With the approval of the Attorney General, every local registrar of the District Court may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

PART III

UNIFIED FAMILY COURT

Unified Family Court

38. The Unified Family Court is continued as a court of record in and for the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 2.

Jurisdiction of judges

39.—(1) The Unified Family Court shall be presided over by a judge of the District Court who is a local judge of the High Court and who is authorized under subsection (2) to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (1, 6).

Authority for family court matters

(2) The Lieutenant Governor in Council may authorize a judge of the District Court who is a local judge of the High Court to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (2, 6).

Jurisdiction of local judge of High Court

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, may be exercised by a local judge of the High Court who is a judge who may preside over the Unified Family Court. R.S.O. 1980, c. 515, s. 3 (3); 1982, c. 21, s. 1.

Exercise of existing jurisdiction

(4) A judge who may preside over the Unified Family Court shall exercise his or her jurisdiction as a local judge of the High Court, a judge of the District Court, or a judge of the Provincial Court (Family Division) in the matters in which the Supreme Court, the District Court, or the Provincial Court (Family Division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule to this Part. R.S.O. 1980, c. 515, s. 3 (4, 6).

Proceedings in Unified Family Court

40.—(1) Proceedings taken in a court in the Judicial District of Hamilton-Wentworth under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, shall be commenced and titled in the Unified Family Court and the jurisdiction of the court shall be exercised in the Unified Family Court. R.S.O. 1980, c. 515, s. 4 (1).

Idem
R.S.C. 1970, c. D-8; R.S.O. 1980, cc. 152, 68

(2) A motion for interim relief under the *Divorce Act* (Canada), the *Family Law Reform Act* or the *Children's Law Reform Act* in a proceeding in the Supreme Court or District Court that is required or permitted by the Rules of Civil Procedure or an order of the court to be heard in the Judicial District of Hamilton-Wentworth, shall be heard in the Unified Family Court. *New.*

Parens patriae powers

(3) The court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it. R.S.O. 1980, c. 515, s. 4 (3).

No jury

(4) All proceedings commenced in or transferred to the Unified Family Court shall be heard and determined without a jury. R.S.O. 1980, c. 515, s. 7 (2).

Consent to jurisdiction

41. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the court may, with leave of the judge and the consent of the parties, hear and determine the combined matters. R.S.O. 1980, c. 515, s. 5.

Orders of predecessor court R.S.O. 1980, c. 152

42.—(1) The Unified Family Court may hear and determine an application under the *Family Law Reform Act* to discharge, vary or suspend an order made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 6 (1).

Enforcement

(2) The Unified Family Court may enforce orders made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 23 (3).

Powers

43.—(1) In all proceedings in which jurisdiction may be exercised in the Unified Family Court, the court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 515, s. 8 (1).

Contempt

(2) The Unified Family Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, or to an order of the Supreme Court or the County Court of the Judicial District of Hamilton-Wentworth made before the lst day of July, 1977 in a matter that is in the jurisdiction of the Unified Family Court, but the fine shall not in any case exceed $10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 515, s. 12 (1); 1982, c. 21, s. 5.

Application of R.S.O. 1980, c. 103, s. 4 (3)

(3) Subsection 4 (3) of the *Creditors' Relief Act* applies to a garnishment issued by the Unified Family Court. 1982, c. 21, s. 3 (2).

Place where proceedings commenced

44.—(1) Subject to subsection (2), proceedings referred to in subsection 40 (1) may be commenced in the Unified Family Court where the applicant or the respondent resides in the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 9 (1); 1982, c. 21, s. 4 (1).

Idem, custody or access R.S.O. 1980, c. 68

(2) An application under Part III of the *Children's Law Reform Act* in respect of a child who ordinarily resides in the Judicial District of Hamilton-Wentworth may be commenced in the Unified Family Court. 1982, c. 21, s. 4 (2).

Transfer to other court

(3) A judge who may preside over the Unified Family Court may, upon motion, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

Transfer from other court

(4) A judge of a court having jurisdiction in a proceeding referred to in subsection 40 (1) in a county or district other than the Judicial District of Hamilton-Wentworth may, upon motion, order that the proceeding be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

Directions

(5) A judge making an order under subsection (3) or (4) may give such directions for the transfer as are considered just. R.S.O. 1980, c. 515, s. 9 (2-4).

Status of orders

45. An order of a judge presiding over the Unified Family Court made in the exercise of his or her jurisdiction as a local judge of the High Court or a judge of the District Court is an order of the Supreme Court or the District Court, respectively, for all purposes. R.S.O. 1980, c. 515, s. 14.

Appeals

46.—(1) Subject to subsections (2) and (3), a provision for an appeal from an order made under the statutory provisions set out in the Schedule to this Part applies to the order when made in the exercise of the jurisdiction by a judge presiding over the Unified Family Court. R.S.O. 1980, c. 515, s. 15 (1).

Idem

(2) Where an order made by the Unified Family Court under a statutory provision set out in the Schedule to this Part is within the jurisdiction of the Supreme Court or the District Court outside the Judicial District of Hamilton-Wentworth, the order shall, for the purposes of an appeal, be deemed to have been made by a judge of the High Court. *New.*

Idem

(3) A provision for an appeal to the District Court or a judge thereof from an order that is made by the Unified Family Court under the statutory provisions set out in the Schedule to this Part shall be deemed to provide for an appeal to the High Court.

Idem

(4) Where no provision is made for an appeal from an order of a judge presiding over the Unified Family Court, an appeal lies,

(a) to the Court of Appeal from a final order, except an order referred to in clause (b);

(b) to the Divisional Court from a final order,

(i) for the payment of a lump sum of not more than $25,000, exclusive of interest and costs,

(ii) for periodic payments that amount to not more than $25,000, exclusive of interest and costs, in the twelve months following the date of the order,

(iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or

(iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii); or

(c) to the High Court from an interlocutory order. R.S.O. 1980, c. 515, s. 15 (2, 3).

Criminal jurisdiction R.S.C. 1970, c. C-34

47. A judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Unified Family Court,

(a) has jurisdiction to deal with juvenile delinquents; and

(b) has jurisdiction to try a child charged with an offence against the laws of Ontario. R.S.O. 1980, c. 515, s. 16.

Clerk R.S.O. 1980, c. 418

48. A clerk of the Unified Family Court shall be appointed for the court under the *Public Service Act*. R.S.O. 1980, c. 515, s. 17.

Conciliation service

49. A conciliation service may be established, maintained and operated as part of the Unified Family Court. R.S.O. 1980, c. 515, s. 18.

Powers of probation officers

50. Every probation officer appointed for the Unified Family Court has, while acting in the discharge of his or her

duties, all the powers of a police constable. R.S.O. 1980, c. 515, s. 19.

Regulations

51. The Lieutenant Governor in Council may make regulations,

(a) specifying the returns to be made by the Unified Family Court;

(b) prescribing the functions of and providing for a conciliation service under this Part;

(c) prescribing the duties of the officers and employees of the Unified Family Court or of any class of such officers or employees;

(d) providing for a system of statistical records relating to the Unified Family Court. R.S.O. 1980, c. 515, s. 22.

Rules

52.—(1) The Lieutenant Governor in Council may make rules for the Unified Family Court in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the court;

(b) joinder of claims and parties, and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(e) examination of witnesses in or out of court;

(f) duties of clerks and other officers;

(g) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;

(h) costs of proceedings;

(i) enforcement of orders and process;

(j) payment into and out of court;

(k) any matter that is referred to in an Act as provided for by rules of court,

and, where an Act contains provisions in respect of practice and procedure, the Lieutenant Governor in Council may make rules supplementing those provisions. R.S.O. 1980, c. 515, s. 21.

Idem

(2) The Rules of Civil Procedure and the rules of the Provincial Court (Family Division) do not apply to proceedings in the Unified Family Court. *New.*

SCHEDULE

Jurisdiction under the following statutory provisions:

Statutes	Provisions
Annulment of Marriages Act (Ontario) (Canada)	All
Child Welfare Act	Parts II, III and IV
Children's Law Reform Act	All, Except Sections 60 and 61
Children's Residential Services Act	Subs., 18 (1) except Cls. (a) and (b)
Divorce Act (Canada)	All
Education Act	Sections 29 and 30
Family Law Reform Act	All, except Part V
Juvenile Delinquents Act (Canada)	All
Marriage Act	Sections 6 and 9
Minors' Protection Act	Section 2
Reciprocal Enforcement of Maintenance Orders Act, 1982	All
Training Schools Act	Section 8

R.S.O. 1980, c. 515, Sched.; 1982, c. 20, s. 5.

PART IV

PROVINCIAL COURTS

JUDGES

Appointment of judges

53.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such provincial judges as are considered necessary. R.S.O. 1980, c. 398, s. 2.

Qualifications

(2) No person shall be appointed as a provincial judge unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years. *New.*

Other employment

54.—(1) A provincial judge shall devote his or her whole time to the performance of his or her duties as a judge, except as authorized by the Lieutenant Governor in Council.

Idem

(2) Notwithstanding subsection (1), a provincial judge who, before the coming into force of this Part, had the consent of the Attorney General to act as an arbitrator, conciliator or member of a board of commissioners of police may continue to so act. R.S.O. 1980, c. 398, s. 12.

Retirement

55.—(1) Every provincial judge shall retire upon attaining the age of sixty-five years.

Idem

(2) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate, judge of a juvenile and family court or master after the lst day of July, 1941 and before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years.

Idem

(3) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate on or before the lst day of July, 1941 shall retire upon attaining the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (1-3).

Continuation of judges in office

(4) A judge who has attained the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in office as a full-time or part-time judge until he or she attains the age of seventy years, and a judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in office as a full-time or part- time judge until he or she has attained the age of seventy-five years.

Continuation of associate chief judge and senior judges in office

(5) An associate chief judge or senior judge who is in office upon attaining the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in that office until he or she has attained the age of seventy years and an associate chief judge or senior judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years.

Continuation of chief judge in office

(6) A chief judge who is in office upon attaining the age for retirement under subsection (1) or (2) may, subject to the annual approval of the Judicial Council, continue in that office

until he or she has attained the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (4,4a,4b); 1983, c. 18, s. 1.

Resignation

56. A provincial judge may at any time resign from his or her office in writing, signed by the judge and delivered to the Lieutenant Governor. R.S.O. 1980, c. 398, s. 6.

Removal for cause

57.—(1) A provincial judge may be removed from office before attaining retirement age only if,

(a) a complaint regarding the judge has been made to the Judicial Council; and

(b) the removal is recommended by an inquiry held under section 61 on the ground that the judge has become incapacitated or disabled from the due execution of his or her office by reason of,

(i) infirmity,

(ii) conduct that is incompatable with the execution of his or her office, or

(iii) having failed to perform the duties of his or her office. R.S.O. 1980, c. 398, s. 4 (1).

Order for removal

(2) An order removing a provincial judge from office under this section may be made by the Lieutenant Governor on the address of the Legislative Assembly. R.S.O. 1980, c. 398, s. 4 (3).

Judicial Council

58.—(1) The Judicial Council for Provincial Judges is continued and shall be composed of,

(a) the Chief Justice of Ontario, who shall preside over the Judicial Council;

(b) the Chief Justice of the High Court;

(c) the Chief Judge of the District Court;

(d) the Chief Judge of the Provincial Court (Criminal Division);

(e) the Chief Judge of the Provincial Court (Family Division);

(f) the Chief Judge of the Provincial Court (Civil Division);

(g) the Treasurer of The Law Society of Upper Canada; and

(h) not more than two other persons appointed by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 7 (1).

Senior Master

(2) Where the Judicial Council is considering any matter relating to a master, the Senior Master is entitled to be present and participate as a member of the Council. *New.*

Quorum

(3) A majority of members of the Judicial Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Judicial Council.

Staff

R.S.O. 1980, c. 418

(4) Such officers and employees of the Judicial Council as are considered necessary may be appointed under the *Public Service Act.* R.S.O. 1980, c. 398, s. 7 (2, 3).

Expert assistance

(5) The Judicial Council may engage persons, including counsel, to assist it in its investigations. *New.*

Functions

59.—(1) The functions of the Judicial Council are,

(a) at the request of the Attorney General, to consider proposed appointments of provincial judges and make a report thereon to the Attorney General;

(b) to receive and investigate complaints against provincial judges. R.S.O. 1980, c. 398, s. 8 (1).

Liability for damages

(2) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty. R.S.O. 1980, c. 398, s. 8 (6).

Investigation of complaints

60.—(1) Where the Judicial Council receives a complaint against a provincial judge, it shall take such action to investigate the complaint as it considers advisable. R.S.O. 1980, c. 398, s. 8 (1) (c).

Referral to Chief Judges

(2) The Judicial Council may transmit such complaints as it considers appropriate to the Chief Judge of the Provincial Court (Criminal Division), the Chief Judge of the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Civil Division) or the Senior Master, as it considers appropriate. R.S.O. 1980, c. 398, s. 8 (2).

Proceedings not public

(3) The proceedings of the Judicial Council shall not be public, but it may inform the Attorney General respecting matters that it has investigated and the Attorney General may make public the fact that an investigation has been undertaken. R.S.O. 1980, c. 398, s. 8 (4).

Prohibiting publication

(4) The Judicial Council may order that information or documents relating to its proceedings not be published or disclosed except as required by law. *New.*

Powers

R.S.O. 1980, c. 411

(5) The Judicial Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1980, c. 398, s. 8 (5).

Notice of disposition

(6) Where the Judicial Council has dealt with a complaint regarding a provincial judge, it shall inform,

(a) the person who made the complaint; and

(b) where the complaint was brought to the attention of the judge, the judge,

of its disposition of the complaint. *New.*

Report and recommendations

(7) The Judicial Council may report its opinion regarding the complaint to the Attorney General and may recommend,

(a) that an inquiry be held under section 61;

(b) that the judge be compensated for all or part of the costs incurred by the judge relating to the investigation. R.S.O. 1980, c. 398, s. 8 (3).

Copy to judge

(8) A copy of a report made under subsection (7) shall be given to the judge.

Right to be heard

(9) The Judicial Council shall not make a report under subsection (7) unless the judge was notified of the investigation and given an opportunity to be heard and to produce evidence on his or her behalf.

Publication of report

(10) Where the Judicial Council makes a report to the Attorney General under subsection (7), the Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so. *New.*

Inquiry

61.—(1) The Lieutenant Governor in Council may appoint a judge of the Supreme Court to inquire into the

question whether a provincial judge should be removed from office.

Powers
R.S.O. 1980, c. 411

(2) The *Public Inquiries Act* applies to an inquiry under subsection (1). R.S.O. 1980, c. 398, s. 4 (2).

Report

(3) The report of the inquiry may recommend,

(a) that the judge be removed from office;

(b) that the judge be compensated for all or part of the costs incurred by the judge relating to the inquiry. *New.*

Tabling of report

(4) The report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. R.S.O. 1980, c. 398, s. 4 (3).

Jurisdiction of judges

62.—(1) Every provincial judge has jurisdiction throughout Ontario and,

(a) shall exercise all the powers and perform all the duties conferred or imposed on a provincial judge by or under any Act of the Legislature or of the Parliament of Canada;

(b) subject to subsection (2), may exercise all the powers and perform all the duties conferred or imposed on a magistrate, provincial magistrate or one or more justices of the peace under any Act of the Parliament of Canada. R.S.O. 1980, c. 398, s. 9 (1) (a, c).

Idem
R.S.C. 1970, c. C-34

(2) A provincial judge shall not exercise the jurisdiction conferred on a magistrate under Part XVI of the *Criminal Code* (Canada) unless,

(a) he or she has been a member of the bar of one of the provinces of Canada; or

(b) he or she has acted as a provincial judge for a period of five years,

and the judge is so designated by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 9 (3).

Idem

(3) Every provincial judge is a justice of the peace and commissioner for taking affidavits. R.S.O. 1980, c. 398, s. 9 (1) (d).

Where procedures not provided

63. Jurisdiction conferred on a provincial judge, justice of the peace or provincial court shall, in the absence of express provision for procedures therefor in any Act, regulation or rule, be exercised in any manner consistent with the due administration of justice. R.S.O. 1980, c. 398, s. 9 (2).

Chief Judges

64.—(1) The Lieutenant Governor in Council may appoint a provincial judge as Chief Judge of the Provincial Court (Criminal Division), a provincial judge as Chief Judge of the Provincial Court (Family Division) and a provincial judge as Chief Judge of the Provincial Court (Civil Division).

Chief Judge of Provincial Offences Court

(2) The Chief Judge of the Provincial Court (Criminal Division) is Chief Judge of the Provincial Offences Court.

Duties of Chief Judge

(3) Each Chief Judge has general supervision and direction over the sittings of his or her court and the assignment of the judicial duties of the court except that in counties and districts where the Provincial Court (Civil Division) is presided over by a judge of the District Court, the Chief Judge of the District Court and, subject to the authority of the Chief Judge, the senior judge of the District Court in that county or district has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court.

Associate Chief Judge

(4) The Lieutenant Governor in Council may appoint a provincial judge as Associate Chief Judge of the Provincial Court (Criminal Division) and a provincial judge as Associate Chief Judge of the Provincial Court (Family Division). R.S.O. 1980, c. 398, s. 10 (1-4).

Absence of Chief Judge

(5) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. *New.*

Senior judges

65.—(1) The Lieutenant Governor in Council may designate a provincial judge to be a senior judge of the Provincial Court (Criminal Division), Provincial Court (Family Division) or Provincial Court (Civil Division), for such area as is named in the designation. R.S.O. 1980, c. 398, s. 11.

Duties

(2) A senior judge shall, subject to the authority of the chief judge, direct and supervise the sittings and the assignment of the judicial duties of the court in the area. *New.*

Election to revert to office of judge

66. A chief judge, associate chief judge or senior judge who has,

(a) continued in one or more of those offices for at least five years; or

(b) continued in office after attaining the age for retirement,

may elect by notice to the Attorney General to cease to perform the duties of that office and to assume the office of a provincial judge only. *New.*

PROVINCIAL COURT (CRIMINAL DIVISION)

Provincial Court (Criminal Division)

67.—(1) The provincial courts (criminal division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Criminal Division).

Judge to preside

(2) The Provincial Court (Criminal Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 14.

Exercise of criminal jurisdiction

68. A provincial judge shall exercise the powers and perform the duties vested in him or her as a magistrate, provincial magistrate or one or more justices of the peace under section 62 sitting in the Provincial Court (Criminal Division). R.S.O. 1980, c. 398, s. 15.

PROVINCIAL OFFENCES COURT

Provincial Offences Court

69.—(1) The provincial offences courts for the counties and districts are amalgamated and continued as a single court of record named the Provincial Offences Court.

Judge or justice of the peace to preside

(2) The Provincial Offences Court shall be presided over by a provincial judge or justice of the peace. R.S.O. 1980, c. 398, s. 18 (1).

Jurisdiction

R.S.O. 1980, c. 400

70. The Provincial Offences Court shall perform any function assigned to it by or under the *Provincial Offences Act* or any other Act. R.S.O. 1980, c. 398, s. 18 (2).

Joint sittings

71. Where a proceeding in which the Provincial Offences Court has jurisdiction is conducted during the course of a sitting of the Provincial Court (Criminal Division) or Provincial Court (Family Division), the proceeding shall be deemed to be conducted in the Provincial Offences Court. R.S.O. 1980, c. 398, s. 19 (2).

Contempt

72.—(1) Except as otherwise provided by an Act, every person who commits contempt in the face of the Provincial Offences Court is on conviction liable to a fine of not more

than $1,000 or to imprisonment for a term of not more than thirty days, or to both.

Statement to offender

(2) Before proceedings are taken for contempt under subsection (1), the court shall inform the offender of the conduct complained of and the nature of the contempt and inform him or her of the right to show cause why he or she should not be punished.

Show cause

(3) A punishment for contempt in the face of the court shall not be imposed without giving the offender an opportunity to show cause why he or she should not be punished.

Adjournment for adjudication

(4) Except where, in the opinion of the court, it is necessary to deal with the contempt immediately for the preservation of order and control in the courtroom, the court shall adjourn the contempt proceeding to another day.

Adjudication by judge

(5) Where a contempt proceeding is adjourned to another day under subsection (4), the contempt proceeding shall be heard and determined by the court presided over by a provincial judge.

Arrest for immediate adjudication

(6) Where the court proceeds to deal with a contempt immediately and without adjournment under subsection (4), the court may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination.

Barring agent in contempt

(7) Where the offender is appearing before the court as an agent who is not a barrister and solicitor entitled to practise in Ontario, the court may order that he or she be barred from acting as agent in the proceeding in addition to any other punishment to which he or she is liable.

Appeals

(8) An order of punishment for contempt under this section is appealable in the same manner as if it were a conviction in proceedings commenced by certificate under Part I of the *Provincial Offences Act*.

R.S.O. 1980, c. 400

Enforcement

(9) The *Provincial Offences Act* applies for the purpose of enforcing a punishment by way of a fine or imprisonment under this section. R.S.O. 1980, c. 398, s. 20.

Penalty for disturbance outside courtroom

73. Any person who knowingly disturbs or interferes with the proceedings of the Provincial Offences Court, without reasonable justification, while outside the courtroom is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1980, c. 398, s. 21.

Rules Committee

74.—(1) There shall be a Rules Committee of the Provincial Offences Court composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the Committee.

Quorum

(2) A majority of the members of the Rules Committee constitutes a quorum. *New.*

Rules

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Offences Court may make rules,

(a) regulating any matters relating to the practice and procedure of the Provincial Offences Court;

(b) prescribing forms respecting proceedings in the court;

(c) regulating the duties of the clerks and employees of the court;

(d) prescribing and regulating the procedures under any Act that confers jurisdiction on the Provincial Offences Court or a judge or justice of the peace sitting therein;

(e) prescribing any matter that is referred to in an Act as provided for by the rules of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 22.

PROVINCIAL COURT (FAMILY DIVISION)

Provincial Court (Family Division)

75.—(1) The provincial courts (family division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Family Division).

Judge to preside

(2) The Provincial Court (Family Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 23 (1).

Jurisdiction

76. The Provincial Court (Family Division),

(a) has jurisdiction to deal with juvenile delinquents;

(b) has jurisdiction to try any minor charged with an offence against the laws of Ontario; and

(c) shall perform any function assigned to it by or under the *Family Law Reform Act*, the *Children's Law Reform Act*, the *Child Welfare Act* or any other Act. R.S.O. 1980, c. 398, s. 23 (2). R.S.O. 1980, cc. 152, 68, 66

77.—(1) The rules committee of the provincial courts (family division) is continued as the Rules Committee of the Provincial Court (Family Division) and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee. Rules Committee

(2) A majority of the members of the Rules Committee constitutes a quorum. Quorum

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Family Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to, Rules

(a) conduct of proceedings in the court;

(b) joinder of claims and parties and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(e) examination of witnesses in or out of court;

(f) duties of clerks and other officers;

(g) costs of proceedings;

(h) enforcement of orders and process;

(i) payment into and out of court;

(j) any matter that is referred to in an Act as provided for by rules of court,

and, where an Act contains provisions in respect of practice and procedure, the Rules Committee of the Provincial Court

(Family Division) may make rules supplementing those provisions. R.S.O. 1980, c. 398, s. 32.

PROVINCIAL COURT (CIVIL DIVISION)

Provincial Court (Civil Division)

78.—(1) The small claims courts and the Provincial Court (Civil Division) are amalgamated and continued as a single court of record named the Provincial Court (Civil Division) and may also be known as the Small Claims Court.

Judges to preside

(2) The Provincial Court (Civil Division) shall be presided over by,

(a) a provincial judge; or

(b) a judge of the District Court.

Deputy judges

(3) A judge of the District Court or the Chief Judge of the Provincial Court (Civil Division) may, with the approval of the Attorney General, appoint a barrister and solicitor to act as a deputy judge of the Provincial Court (Civil Division), and the person so appointed may preside over the court in actions for not more than $1,000. R.S.O. 1980, c. 476, ss. 3, 6, 14, 15.

Jurisdiction

79.—(1) The Provincial Court (Civil Division),

(a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed $1,000 exclusive of interest and costs;

(b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed $1,000; and

(c) shall perform any function assigned to it by or under an Act. R.S.O. 1980, c. 476, s. 55.

Idem

(2) In the Judicial District of York and in such other areas as are designated under clause 88 (f), the maximum claim or value of $1,000 set out in subsection (1) shall be $3,000 in each instance and not as set out therein. R.S.O. 1980, c. 397, s. 6 (1).

Summary hearings

(3) The Provincial Court (Civil Division) shall hear and determine in a summary way all questions of law and fact and may make such order as is considered just and agreeable to good conscience. R.S.O. 1980, c. 476, s. 57.

Representation

80. A party may be represented in a proceeding in the Provincial Court (Civil Division) by counsel or an agent but

the court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if it finds that such person is not competent properly to represent the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate. R.S.O. 1980, c. 476, s. 100.

Evidence

81.—(1) Subject to subsections (2) and (3), the Provincial Court (Civil Division) may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in any other court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject matter of the proceeding and may act on such evidence, but the court may exclude anything unduly repetitious.

Idem

(2) Nothing is admissible in evidence at a hearing,

(a) that would be inadmissible by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any Act.

Conflicts

(3) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Copies

(4) Where the presiding judge is satisfied as to its authenticity, a copy of a document or any other thing may be admitted as evidence at a hearing. R.S.O. 1980, c. 476. s. 98.

Instalment orders

82. The Provincial Court (Civil Division) may order the times and the proportions in which money payable under an order of the court shall be paid. R.S.O. 1980, c. 476, s. 102 (1).

Appeals

83. An appeal lies to the Divisional Court from a final order of the Provincial Court (Civil Division) in an action,

(a) for the payment of money in excess of $500, including interest but excluding costs; or

(b) for the recovery of possession of personal property exceeding $500 in value. R.S.O. 1980, c. 476, s. 108.

Transfer from Supreme or District Court

84.—(1) An action in the Supreme Court or the District Court in which,

(a) the only claim is for the payment of money or the recovery of possession of personal property; and

(b) the claim is within the jurisdiction of the Provincial Court (Civil Division),

may be transferred to the Provincial Court (Civil Division) by the local registrar of the Supreme Court or District Court in the county or district where the action was commenced, upon requisition with the consent of all parties filed before the trial commences.

Idem

(2) An action transferred to the Provincial Court (Civil Division) under subsection (1) shall be titled and continued as if it had been commenced in that court. R.S.O. 1980, c. 397, s. 7 (2); 1982, c. 58, s. 5 (2).

Rules Committee

85.—(1) There shall be a Rules Committee of the Provincial Court (Civil Division) composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee.

Quorum

(2) A majority of the members of the Rules Committee constitutes a quorum.

Rules

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Civil Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the court;

(b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) disposition of proceedings without a hearing and the effect thereof;

(e) pleadings;

(f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(g) examination of witnesses in or out of court;

(h) duties of clerks and other officers;

(i) motions;

(j) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;

(k) preparation for trial and offers to settle and their legal consequences;

(l) the mode and conduct of trials;

(m) costs of proceedings;

(n) enforcement of orders and process;

(o) payment into and out of court;

(p) any matter that is referred to in an Act as prescribed by rules of the Provincial Court (Civil Division),

and, where an Act contains provisions in respect of practice and procedure, the Rules Committee of the Provincial Court (Civil Division) may make rules supplementing those provisions. *New.*

CLERKS AND OFFICERS

Clerks

86.—(1) There shall be such clerks for the Provincial Court (Criminal Division) and the Provincial Court (Family Division) as are considered necessary, appointed under the *Public Service Act.* R.S.O. 1980, c. 418

Idem

(2) Each clerk of the Provincial Court (Criminal Division) is a clerk of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 33.

Clerk and bailiff of Provincial Court (Civil Division)

(3) There shall be a clerk and one or more bailiffs for each division of the Provincial Court (Civil Division) who shall be appointed by the Lieutenant Governor in Council.

Referee

(4) The Lieutenant Governor in Council may appoint a referee for a division of the Provincial Court (Civil Division). R.S.O. 1980, c. 476, s. 20; 1983, c. 22, s. 1.

Powers of probation officers

87. Every probation officer appointed for the Provincial Court (Family Division) has, while acting in the discharge of his or her duties, all the powers of a police constable. R.S.O. 1980, c. 398, s. 31.

REGULATIONS

Regulations

88. The Lieutenant Governor in Council may make regulations,

(a) specifying the returns to be made by provincial courts;

(b) fixing the remuneration of provincial judges;

(c) providing for the benefits to which provincial judges are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for provincial judges and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as provincial judges under this Part were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment under this Part;

R.S.O. 1980, cc. 418, 419

(d) prescribing the duties of the clerks and employees of provincial courts or of any class of such employees;

(e) prescribing territorial divisions for the Provincial Court (Civil Division) and the place within each division where the court office shall be located;

(f) designating areas in which the maximum claim or value of $1,000 set out in subsection 79 (1) shall be $3,000 in each instance and not as set out therein;

(g) providing for the retention of fees by clerks, bailiffs and referees of the Provincial Court (Civil Division)

who are not civil servants under the *Public Service Act* and designating areas where clerks, bailiffs and referees of the Provincial Court (Civil Division) may be appointed to a position as a civil servant under that Act;

(h) providing for a system of statistical records relating to provincial courts. R.S.O. 1980, c. 398, s. 34; R.S.O. 1980, c. 397, s. 9; 1982, c. 58, s. 6 (1) (b).

Ontario Provincial Courts Committee

89.—(1) There shall be a committee to be known as the Ontario Provincial Courts Committee, composed of three members, of whom,

(a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);

(b) one shall be appointed by the Lieutenant Governor in Council; and

(c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

Functions

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 88 (b) and (c).

Annual report

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Tabling of recommendations

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. *New.*

PART V

RULES OF CIVIL PROCEDURE

Rules Committee

90.—(1) The Rules Committee continued under the *Judicature Act,* being chapter 223 of the Revised Statutes of Ontario, 1980, is continued as the Rules Committee of the Supreme and District Courts and shall be composed of,

(a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;

(b) five judges of the Supreme Court, who shall be appointed by the Chief Justice of Ontario;

(c) the Chief Judge and Associate Chief Judge of the District Court;

(d) four judges of the District Court, who shall be appointed by the Chief Judge of the District Court;

(e) the Attorney General or such law officer of the Crown as the Attorney General may from time to time appoint;

(f) the Senior Master;

(g) the Registrar of the Supreme Court;

(h) a sheriff or a local registrar of the Supreme or District Court, who shall be appointed by the Attorney General;

(i) five barristers or solicitors, who shall be appointed by the Benchers of The Law Society of Upper Canada in convocation; and

(j) five other barristers and solicitors, who shall be appointed by the Chief Justice of Ontario.

Idem

(2) The Chief Justice of Ontario shall preside over the Rules Committee but, where the Chief Justice of Ontario is absent or so requests, the Chief Justice of the High Court shall preside.

Idem

(3) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to preside over the Rules Committee at such times as are set out in the appointment.

Tenure of office

(4) Each of the members of the Rules Committee appointed under clause (1) (b), (d), (h), (i) or (j) shall hold office for a period of three years and is eligible for reappointment.

Vacancies

(5) Where a vacancy occurs among the members appointed under clause (1) (b), (d), (h), (i) or (j), a new member similarly qualified may be appointed for the remainder of the unexpired term. R.S.O. 1980, c. 223, s. 116 (1-6).

(6) A majority of the members of the Rules Committee constitutes a quorum. R.S.O. 1980, c. 223, s. 116 (7). Quorum

91. Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the Supreme Court and the District Court in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to, Rules of Civil Procedure

(a) conduct of proceedings in the courts;

(b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, the binding effect of orders and representation of parties;

(c) commencement of proceedings, representation of parties by solicitors and service of process in or outside Ontario;

(d) disposition of proceedings without a hearing and the effect thereof;

(e) pleadings;

(f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(g) examination of witnesses in or out of court;

(h) jurisdiction of local judges, including the conferral on local judges of any jurisdiction of the Supreme Court or a judge thereof, including jurisdiction under an Act, but not including the trial of actions;

(i) jurisdiction of masters, including the conferral on masters of any jurisdiction of the Supreme Court, including jurisdiction under an Act, but not including the trial of actions or jurisdiction conferred by an Act on a judge;

(j) jurisdiction and duties of officers and hours of business for court offices;

(k) motions and applications, including the hearing of motions in the absence of the public and prohibiting a party from making motions without leave;

(l) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;

(m) interpleader;

(n) preparation for trial and offers to settle and their legal consequences;

(o) the mode and conduct of trials;

(p) the appointment by the court of independent experts, their remuneration and the admissibility and use of their reports;

(q) the discount rate to be used in determining the amount of an award in respect of future pecuniary damages;

(r) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;

(s) costs of proceedings, including security for costs and a solicitor's liability for or disentitlement to costs;

(t) enforcement of orders and process or obligations under the rules;

(u) the time for and procedure on appeals and stays pending appeal;

(v) payment into and out of court;

(w) any matter that is referred to in an Act as provided for by rules of court,

and, where an Act contains provisions in respect of practice and procedure, the Rules Committee of the Supreme and District Courts may make rules supplementing those provisions. R.S.O. 1980, c. 223, s. 116 (10, 11).

PART VI

COURTS ADMINISTRATION

Attorney General's administrative responsibility

92. The Attorney General shall superintend all matters connected with the administration of the courts, other than matters that are assigned by law to the judiciary. *New.*

Ontario Courts Advisory Council

93.—(1) There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

(a) the Chief Justice of Ontario who shall preside, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;

(b) the Chief Judge of the District Court, the Associate Chief Judge of the District Court and the Senior Judge of the District Court for the Judicial District of York;

(c) the Chief Judge of the Provincial Court (Criminal Division) and the Associate Chief Judge of the Provincial Court (Criminal Division);

(d) the Chief Judge of the Provincial Court (Family Division) and the Associate Chief Judge of the Provincial Court (Family Division); and

(e) the Chief Judge of the Provincial Court (Civil Division).

Functions

(2) The function of the Ontario Courts Advisory Council is to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and to make recommendations thereon to the Attorney General and to the chief justices and chief judges of the various courts. *New.*

Trial lists, courtrooms

94. Judges and masters who have authority to assign judicial duties have authority over the preparation of trial lists and the assignment of courtrooms to the extent necessary to control the determination of who is assigned to hear particular cases. *New.*

Appointment of court staff

95. Court administrators, court reporters, interpreters, translators and such other employees as are considered necessary for the administration of the courts in Ontario may be

R.S.O. 1980, c. 418

appointed under the *Public Service Act*. R.S.O. 1980, c. 100, s. 4 (1); R.S.O. 1980, c. 398, s. 33 (3); R.S.O. 1980, c. 515, s. 17.

Direction of court staff in courtroom

96. Court clerks, court reporters, interpreters and other court staff, who are assigned to and present in a courtroom, shall act at the direction of the presiding judge or master while the court is in session. R.S.O. 1980, c. 101, s. 14 (2); R.S.O. 1980, c. 398, ss. 26, 33 (1).

PART VII

JUDGES AND OFFICERS

Oath of office

97. Every judge or officer of a court in Ontario shall, before entering on the duties of office, take and sign the following oath or affirmation in either the English or French language:

> I solemnly swear (affirm) that I will faithfully, and to the best of my skill and knowledge, execute the duties of ..... So help me God. (*Omit this line in an affirmation*)

R.S.O. 1980, c. 223, s. 84 (1).

Persona designata abolished

98. Where an adjudicative function is given by an Act to a judge or officer of a court in Ontario, the jurisdiction shall be deemed to be given to the court. *New.*

Liability of judges

99. Every judge of a court in Ontario and every master of the Supreme Court has the same immunity from liability as a judge of the Supreme Court. R.S.O. 1980, c. 223, s. 100 (4); R.S.O. 1980, c. 398, s. 13.

Compensation of judges for statutory duties

100. Every judge of the Supreme Court and of the District Court shall be paid out of the Consolidated Revenue Fund the annual sum of $3,000, payable quarterly, as compensation for the services the judge is called on to render by any Act of the Legislature in addition to his or her ordinary duties. R.S.O. 1980, c. 149, s. 2.

Extra-judicial services

101.—(1) A judge of the Supreme Court or the District Court may act as a conciliator, arbitrator or referee or on a commission of inquiry under an Act of the Legislature or under an agreement made under any such Act.

Remuneration

(2) A judge acting under subsection (1) shall not receive any remuneration but shall be reimbursed for reasonable travelling and other expenses incurred while so acting. R.S.O. 1980, c. 149, s. 3.

102.—(1) The Lieutenant Governor in Council may appoint an Inspector of Legal Offices. Inspector of Legal Offices

(2) The Inspector may inspect all court offices and such other offices connected with the administration of justice as the Attorney General designates. R.S.O. 1980, c. 223, s. 107 (1). Inspection

(3) The Inspector may inquire into the administration of any office that he or she is entitled to inspect and may require any person, other than a judge or master, to give evidence on oath or affirmation, and for that purpose the Inspector has the same power to summon witnesses and compel the production of documents as the Supreme Court. R.S.O. 1980, c. 223, s. 108 (2). Inquiries by Inspector

(4) Documents and other material that are no longer required in a court office shall be disposed of in accordance with the directions of the Inspector, subject to the approval of, Destruction of documents

(a) in the Supreme Court, the Chief Justice of Ontario;

(b) in the District Court, the Unified Family Court and the surrogate courts, the Chief Judge of the District Court;

(c) in the Provincial Court (Criminal Division) and the Provincial Offences Court, the Chief Judge of the Provincial Court (Criminal Division);

(d) in the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Family Division);

(e) in the Provincial Court (Civil Division) in the counties and districts where a judge of the District Court presides, the Chief Judge of the District Court and in other counties and districts the Chief Judge of the Provincial Court (Civil Division). R.S.O. 1980, c. 223, s. 108 (4).

103.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint an Official Guardian. *New.* Official Guardian

(2) No person shall be appointed Official Guardian unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years. Qualifications

(3) The Official Guardian shall act as litigation guardian of minors and other persons where required by an Act or the Rules of Civil Procedure, and in other cases may be authorized by a court to so act. Duties

Costs

(4) The same costs as are payable to litigation guardians are payable to the Official Guardian and costs recovered by the Official Guardian shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 109 (1-3).

Security for costs

(5) The Official Guardian shall not be required to give security for costs in any proceeding. R.S.O. 1980, c. 223, s. 109 (15).

Mortgages held by Accountant

(6) Where a person for whom the Official Guardian has acted is interested in a mortgage held by the Accountant, the Official Guardian shall take reasonable care to ensure that,

(a) money payable on the mortgage is promptly paid;

(b) the mortgaged property is kept properly insured; and

(c) taxes on the mortgaged property are promptly paid.

Payment into court

(7) Money received by the Official Guardian on behalf of a person for whom he or she acts shall, unless the court orders otherwise, be paid into court to the credit of the person entitled.

Assessment of costs

(8) Where the amount payable into court under subsection (7) is to be ascertained by the deduction of unassessed costs from a fund, the Official Guardian may require the costs to be assessed forthwith. *New.*

Audit

(9) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Official Guardian. R.S.O. 1980, c. 223, s. 109 (12).

Assessment officers

104.—(1) The Registrar of the Supreme Court of Ontario, each master, local registrar and deputy local registrar of the Supreme Court, local registrar and deputy local registrar of the District Court and the clerk of the Unified Family Court is an assessment officer.

Idem

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional assessment officers.

Jurisdiction

(3) Every assessment officer has the jurisdiction conferred by the Rules of Civil Procedure.

Appeal from assessment of costs before tribunal

(4) An appeal lies to the High Court from a certificate of assessment of costs issued by an assessment officer in a proceeding outside the Supreme Court or District Court, where the appeal is on an issue in respect of which an objection was

served in accordance with the Rules of Civil Procedure, and the procedure on the assessment is governed by the Rules of Civil Procedure, with necessary modifications. *New.*

Official examiners

105.—(1) Every local registrar and deputy local registrar of the Supreme Court and local registrar and deputy local registrar of the District Court is an official examiner for the county or district for which he or she is appointed.

Additional official examiners

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional official examiners. R.S.O. 1980, c. 223, s. 104 (1, 2).

Deputy official examiners

(3) With the approval of the Attorney General, every official examiner may appoint a deputy official examiner who may exercise and perform all the powers and duties of the official examiner. R.S.O. 1980, c. 223, s. 104 (7).

Officers of court

(4) Every official examiner and deputy official examiner is an officer of every court in Ontario. *New.*

Administration of oaths

106. Every officer of a court has, for the purposes of any matter before him or her, power to administer oaths and affirmations and to examine parties and witnesses. R.S.O. 1980, c. 223, s. 124.

Money held by officer of court

107. Money or property vested in or held by an officer of a court shall be deemed to be vested in the officer in trust for Her Majesty, subject to being disposed of in accordance with any Act, rule of court or order. R.S.O. 1980, c. 223, s. 112.

Disposition of court fees

108.—(1) All fees payable to a judge or salaried officer of a court in respect of a proceeding in the court shall be paid into the Consolidated Revenue Fund.

Exception

R.S.O. 1980, c. 17

(2) Subsection (1) does not apply to fees payable to court reporters under the *Administration of Justice Act.* R.S.O. 1980, c. 101, s. 10; R.S.O. 1980, c. 223, s. 87.

PART VIII

COURT PROCEEDINGS

Application of Part

109.—(1) This Part applies to civil proceedings in courts of Ontario.

Application to criminal proceedings

(2) Sections 123 (constitutional questions) and 133 (giving decisions), section 135 and subsection 136 (7) (language of proceedings) and sections 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearing) also apply to

R.S.C. 1970, c. C-34

proceedings under the *Criminal Code* (Canada), except in so far as they are inconsistent with that Act.

Application to provincial offences

R.S.O. 1980, c. 400

(3) Sections 123 (constitutional questions), 135, 136 (language of proceedings), 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearings) also apply to proceedings under the *Provincial Offences Act* and, for the purpose, a reference therein to a judge includes a justice of the peace presiding in the Provincial Offences Court. *New.*

COMMON LAW AND EQUITY

Rules of law and equity

110.—(1) Courts shall administer concurrently all rules of equity and the common law. R.S.O. 1980, c. 223, s. 18.

Rules of equity to prevail

(2) Where a rule of equity conflicts with a rule of the common law, the rule of equity prevails.

Jurisdiction for equitable relief

(3) Unless otherwise provided, only the Supreme Court, the District Court and the Unified Family Court may grant equitable relief. R.S.O. 1980, c. 223, ss. 25, 26.

Declaratory orders

111. The Supreme Court, the District Court and the Unified Family Court may make binding declarations of right whether or not any consequential relief is or could be claimed. R.S.O. 1980, c. 223, s. 18, par. 2.

Relief against penalties

112. A court may grant relief against penalties and forfeitures, on such terms as to compensation or otherwise as are considered just. R.S.O. 1980, c. 228, s. 22.

Damages in lieu of injunction or specific performance

113. A court that has jurisdiction to grant an injunction or order specific performance may award damages in addition to, or in substitution for, the injunction or specific performance. R.S.O. 1980, c. 223, s. 21.

Vesting orders

114. A court may by order vest in any person an interest in real or personal property that the court has authority to order be disposed of, encumbered or conveyed. R.S.O. 1980, c. 223, s. 79.

INTERLOCUTORY ORDERS

Injunctions and receivers

115.—(1) In the Supreme Court, the District Court or the Unified Family Court, an interlocutory injunction or mandatory order may be granted or a receiver or receiver and manager may be appointed by an interlocutory order, where it appears to a judge of the court to be just or convenient to do so.

(2) An order under subsection (1) may include such terms as are considered just. R.S.O. 1980, c. 223, s. 19 (1). Terms

116.—(1) In this section, "labour dispute" means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. "labour dispute" defined

(2) Subject to subsection (8), no injunction to restrain a person from an act in connection with a labour dispute shall be granted without notice. Notice

(3) In a motion or proceeding for an injunction to restrain a person from an act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry or exit from the premises in question or breach of the peace have been unsuccessful. Steps before injunction proceeding

(4) Subject to subsection (8), affidavit evidence in support of a motion for an injunction to restrain a person from an act in connection with a labour dispute shall be confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party filing such affidavit, and payment of the proper attendance money, require the attendance of the deponent to be cross-examined at the hearing. Evidence

(5) An interim injunction to restrain a person from an act in connection with a labour dispute may be granted for a period of not longer than four days. Interim injunction

(6) Subject to subsection (8), at least two days notice of a motion for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the responding party and to any other person affected thereby but not named in the notice of motion. Notice

(7) Notice required by subsection (6) to persons other than the responding party may be given, Idem

(a) where such persons are members of a labour organization, by personal service on an officer or agent of the labour organization; and

(b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Interim injunction without notice

(8) Where notice as required by subsection (6) is not given, the court may grant an interim injunction where,

(a) the case is otherwise a proper one for the granting of an interim injunction;

(b) notice as required by subsection (6) could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service;

(c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 87 of the *Labour Relations Act* to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

R.S.O. 1980, c. 228

(d) proof of all material facts for the purpose of clauses (a), (b) and (c) is established by oral evidence.

Misrepresentation as contempt of court

(9) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly, in a proceeding for an injunction under this section, constitutes a contempt of court.

Appeal

(10) An appeal from an order under this section lies to the Court of Appeal without leave. R.S.O. 1980, c. 223, s. 20.

Certificate of pending litigation

117.—(1) The commencement of a proceeding in which an interest in land is in question is not notice of the proceeding to a person who is not a party until a certificate of pending litigation is issued by the court and the certificate is registered in the proper land registry office under subsection (2).

Registration

(2) Where a certificate of pending litigation is issued under subsection (1) it may be registered whether the land is reg-

istered under the *Land Titles Act* or the *Registry Act*. R.S.O. 1980, c. 223, s. 38 (1). R.S.O. 1980, cc. 230, 445

(3) Subsections (1) and (2) do not apply to a proceeding for foreclosure or sale on a registered mortgage or to enforce a lien under the *Construction Lien Act, 1983*. Exception 1983, c. 6

(4) A party who registers a certificate under subsection (2) without a reasonable claim to an interest in the land is liable for any damages sustained by any person as a result of its registration. Liability where no reasonable claim

(5) The liability for damages under subsection (4) and the amount thereof may be determined in the proceeding in respect of which the certificate was registered or in a separate proceeding. R.S.O. 1980, c. 223, s. 38 (3-5). Recovery of damages

(6) The court may make an order discharging a certificate, Order discharging certificate

(a) where the party at whose instance it was issued,

(i) claims a sum of money in place of or as an alternative to the interest in the land claimed,

(ii) does not have a reasonable claim to the interest in the land claimed, or

(iii) does not prosecute the proceeding with reasonable diligence;

(b) where the interests of the party at whose instance it was issued can be adequately protected by another form of security; or

(c) on any other ground that is considered just,

and the court may, in making the order, impose such terms as to the giving of security or otherwise as the court considers just. R.S.O. 1980, c. 223, s. 39 (1-3).

(7) Where a certificate is discharged, any person may deal with the land as fully as if the certificate had not been registered. R.S.O. 1980, c. 223, s. 39 (6). Effect

(8) Subsections (1) to (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, registered after the 24th day of November, 1977 and before this Act comes into force. Application of section

Idem
R.S.O. 1980, c. 223

(9) Subsections (1), (2), (3), (6) and (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature Act* registered before the 25th day of November, 1977. R.S.O. 1980, c. 223, s. 38 (6).

Interim order for recovery of personal property

118.—(1) In an action in which the recovery of possession of personal property is claimed and it is alleged that the property,

(a) was unlawfully taken from the possession of the plaintiff; or

(b) is unlawfully detained by the defendant,

the court, on motion, may make an interim order for recovery of possession of the property.

Damages

(2) A person who obtains possession of personal property by obtaining or setting aside an interim order under subsection (1) is liable for any loss suffered by the person ultimately found to be entitled to possession of the property. R.S.O. 1980, c. 449, s. 2.

"medical practitioner" defined

119.—(1) In this section, "medical practitioner" means a person licensed to practise medicine or dentistry in Ontario or any other jurisdiction.

Order for physical or mental examination

(2) Where the physical or mental condition of a party to a proceeding is in question, the court, on motion, may order the party to undergo a physical or mental examination by one or more medical practitioners.

Idem

(3) Where the question of a party's physical or mental condition is first raised by another party, an order under this section shall not be made unless the allegation is relevant to a material issue in the proceeding and there is good reason to believe that there is substance to the allegation.

Further examinations

(4) The court may, on motion, order further physical or mental examinations.

Examiner may ask questions

(5) Where an order is made under this section, the party examined shall answer the questions of the examining medical practitioner relevant to the examination and the answers given are admissible in evidence. R.S.O. 1980, c. 223, s. 77.

Stay of proceedings

120. A court, on its own initiative or on motion by any person, whether or not a party, may stay any proceeding in the court on such terms as are considered just. R.S.O. 1980, c. 223, s. 18, par. 6.

Consolidation of proceedings in different courts

121.—(1) Where two or more proceedings are pending in two or more different courts, and the proceedings,

(a) have a question of law or fact in common;

(b) claim relief arising out of the same transaction or occurrence or series of transactions or occurrences; or

(c) for any other reason ought to be the subject of an order under this section,

an order may, on motion, be made,

(d) transferring any of the proceedings to another court and requiring the proceedings to be consolidated, or to be heard at the same time, or one immediately after the other; or

(e) requiring any of them to be stayed until after the determination of any other of them, on such terms as are considered just.

Transfer from Provincial Court (Civil Division)

(2) A proceeding shall not be transferred under clause (1) (d) from the Provincial Court (Civil Division) to the District Court or the Supreme Court without the consent of the plaintiff in the proceeding.

Motions

(3) The motion shall be made,

(a) where one or more of the proceedings are in the Supreme Court, to a judge of the Supreme Court;

(b) where none of the proceedings are in the Supreme Court, to a judge of the District Court.

Directions

(4) An order under clause (1) (d) may impose such terms and give such directions as are considered just, including dispensing with service of a notice of readiness or listing for trial and abridging the time for placing an action on the trial list.

Transfer

(5) A proceeding that is transferred to another court under clause (1) (d) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court.

Discretion at hearing

(6) Where an order has been made that proceedings be heard either at the same time or one immediately after the other, the judge presiding at the hearing nevertheless has discretion to order otherwise. *New.*

PROCEDURAL MATTERS

Jury trials

122.—(1) In a Supreme Court or District Court action, a party may require that the issues of fact be tried or the damages assessed, or both, by a jury, unless otherwise provided. R.S.O. 1980, c. 223, s. 59 (1).

Trials without jury

(2) Actions in which a claim is made for any of the following kinds of relief shall be heard without a jury:

1. Injunction or mandatory order.
2. Partition or sale of real property.
3. Custody or guardianship of a minor or management of the estate of a minor.
4. Dissolution of a partnership or taking of partnership or other accounts.
5. Foreclosure or redemption of a mortgage.
6. Sale and distribution of the proceeds of property subject to any lien or charge.
7. Execution of a trust.
8. Rectification, setting aside or cancellation of a deed or other written instrument.
9. Specific performance of a contract.
10. Declaratory relief.
11. Other equitable relief.
12. Relief against a municipality. R.S.O. 1980, c. 223, ss. 58, 60 (4).

Idem

(3) On motion, the court may order that issues of fact be tried or damages assessed, or both, without a jury. R.S.O. 1980, c. 223, s. 59 (2).

Composition of jury R.S.O. 1980, c. 226

(4) Where a proceeding is tried with a jury, the jury shall be composed of six persons selected in accordance with the *Juries Act*. *New.*

Verdicts or questions

(5) Where a proceeding is tried with a jury,

(a) the judge may require the jury to give a general verdict or to answer specific questions, subject to section 15 of the *Libel and Slander Act*; and R.S.O. 1980, c. 237

(b) judgment may be entered in accordance with the verdict or the answers to the questions. R.S.O. 1980, c. 223, ss. 64, 65 (1, 3).

Idem

(6) It is sufficient if five of the jurors agree on the verdict or the answer to a question, and where more than one question is submitted, it is not necessary that the same five jurors agree to every answer. R.S.O. 1980, c. 223, s. 62.

Discharge of juror at trial

(7) The judge presiding at a trial may discharge a juror on the ground of illness, hardship, partiality or other sufficient cause.

Continuation with five jurors

(8) Where a juror dies or is discharged, the judge may direct that the trial proceed with five jurors, in which case the verdict or answers to questions must be unanimous. R.S.O. 1980, c. 223, s. 63.

Specifying negligent acts under R.S.O. 1980, c. 198, s. 167 (1)

(9) Where a proceeding to which subsection 167 (1) of the *Highway Traffic Act* applies is tried with a jury, the judge may direct the jury to specify negligent acts or omissions that caused the damages or injuries in respect of which the proceeding is brought. R.S.O. 1980, c. 223, s. 65 (2).

Malicious prosecution

(10) In an action for malicious prosecution, the trier of fact shall determine whether or not there was reasonable and probable cause for instituting the prosecution. R.S.O. 1980, c. 223, s. 66.

Constitutional questions

123.—(1) Where the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature or of a regulation or by-law made thereunder is in question, the Act, regulation or by-law shall not be adjudged to be invalid or inapplicable unless notice has been served on the Attorney General of Canada and the Attorney General of Ontario in accordance with subsection (2).

Form and time of notice

(2) The notice shall be in the form provided for by the Rules of Civil Procedure and, unless the court orders otherwise, shall be served at least ten days before the day on which the question is to be argued.

Notice of appeal

(3) Where the Attorney General of Canada and the Attorney General of Ontario are entitled to notice under subsection (1), they are entitled to notice of any appeal in respect of the constitutional question.

Right of Attorneys General to be heard

(4) Where the Attorney General of Canada or the Attorney General of Ontario is entitled to notice under this section, he or she is entitled to adduce evidence and make submissions to the court in respect of the constitutional question.

Right of Attorneys General to appeal

(5) Where the Attorney General of Canada or the Attorney General of Ontario makes submissions under subsection (4), he or she shall be deemed to be a party to the proceedings for the purpose of any appeal in respect of the constitutional question. R.S.O. 1980, c. 223, s. 35.

Proceeding in wrong forum

124.—(1) Where a proceeding or a step in a proceeding is brought or taken before the wrong court, judge or officer, it may be transferred or adjourned to the proper court, judge or officer.

Continuation of proceeding

(2) A proceeding that is transferred to another court under subsection (1) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court. *New.*

Set off

125.—(1) In an action for payment of a debt, the defendant may, by way of defence, claim the right to set off against the plaintiff's claim a debt owed by the plaintiff to the defendant. R.S.O. 1980, c. 223, s. 134.

Idem

(2) Mutual debts may be set off against each other, notwithstanding that they are of a different nature or that one debt is owed to or by a person in a personal capacity and the other debt is owed by or to the person in a capacity other than personal. R.S.O. 1980, c. 223, s. 135 (1).

Judgment for defendant

(3) Where, on a defence of set off, a larger sum is found to be due from the plaintiff to the defendant than is found to be due from the defendant to the plaintiff, the defendant is entitled to judgment for the balance. R.S.O. 1980, c. 223, s. 136.

Report of Official Guardian in divorce action
R.S.C. 1970, c. D-8

126.—(1) Where a petition or counterpetition for divorce contains particulars of a child under the age of eighteen years who is a child of the marriage within the meaning of section 2 of the *Divorce Act* (Canada), the Official Guardian shall cause an investigation to be made and shall report to the court on all matters relating to the custody, maintenance and education of the child.

Agents

(2) The Official Guardian may engage another person to make the investigation.

Report as evidence

(3) An affidavit of the person making the investigation, verifying the report as to facts that are within the person's knowl-

edge and setting out the source of the person's information and belief as to other facts, with the report attached as an exhibit thereto, shall be served on the parties and filed and shall form part of the evidence at the hearing of the divorce proceeding.

Attendance on report

(4) Where a party to the proceeding disputes the facts set out in the report, the Official Guardian shall if directed by the court, and may when not so directed, attend the hearing on behalf of the child and cause the person who made the investigation to attend as a witness.

Payment of fees

R.S.O. 1980, c. 6

(5) The petitioner shall pay such fees for and disbursements arising from an investigation in respect of the petition as are prescribed under the *Administration of Justice Act*.

Idem

(6) The Official Guardian shall not serve or file the report of the investigation until the fees and disbursements have been paid, unless the court orders otherwise. R.S.O. 1980, c. 258, s. 1 (2-7).

Costs of Official Guardian

(7) The fees and disbursements of the Official Guardian payable under subsection (5) shall be deemed to be costs incurred in the proceeding for the purposes of any order for costs. R.S.O. 1980, c. 258, s. 1 (9).

Agreement preventing third party claim

127. Rules of court permitting a defendant to make a third party claim apply notwithstanding any agreement that provides that no action may be brought until after judgment against the defendant. *New.*

Agreement as to place of hearing

128. Where a party moves to change the place of hearing in a proceeding, an agreement as to the place of hearing is not binding, but may be taken into account. R.S.O. 1980, c. 223, s. 61.

Security

R.S.O. 1980, c. 192

129. Where a person is required to give security in respect of a proceeding in a court, a bond of a guarantee company to which the *Guarantee Companies Securities Act* applies is sufficient, unless the court orders otherwise. R.S.O. 1980, c. 223, s. 76.

Periodic payment and review of damages

R.S.O. 1980, c. 152

130. In a proceeding where damages are claimed,

(a) for personal injuries; or

(b) under Part V of the *Family Law Reform Act*, for loss resulting from the injury to or death of a person,

the court may, with the consent of all affected parties,

(c) order the defendant to pay all or part of the award for damages periodically on such terms as the court considers just;

(d) order that the award for damages be subject to future review and revision in such circumstances and on such terms as the court considers just. *New.*

Assessment of damages

131. Where damages are to be assessed in respect of,

(a) a continuing cause of action;

(b) repeated breaches of a recurring obligation; or

(c) intermittent breaches of a continuing obligation,

the damages, including damages for breaches occurring after the commencement of the proceeding, shall be assessed down to the time of the assessment. *New.*

Actions for accounting

132.—(1) Where an action for an accounting could have been brought against a person, the action may be brought against his or her personal representative.

Idem

(2) An action for an accounting may be brought by a joint tenant or tenant in common, or his or her personal representative, against a co-tenant for receiving more than the co-tenant's just share. R.S.O. 1980, c. 223, s. 139.

Interpretation

133.—(1) In this section,

(a) "chief judge" means the person having authority to assign duties to the judge;

(b) "judge" includes a local judge or master.

Decision after retirement, etc.

(2) A judge may, within ninety days of,

(a) reaching retirement age;

(b) resigning; or

(c) being appointed to another court,

give a decision or participate in the giving of a decision in any matter previously tried or heard before the judge.

Inability to give decision; panel of judges

(3) Where a judge has commenced a hearing together with other judges and,

(a) dies before the decision is given;

(b) is for any reason unable to participate in the giving of the decision; or

(c) does not participate in the giving of the decision under subsection (2),

the remaining judges may complete the hearing and give the decision of the court but, if the remaining judges are equally divided, a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 223, s. 11 (1-3).

Inability to give decision; sitting alone

(4) Where a judge has commenced hearing a matter sitting alone and,

(a) dies without giving a decision;

(b) is for any reason unable to make a decision; or

(c) does not give a decision under subsection (2),

a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 100, s. 30 (1).

Failure to give decision

(5) Where a judge has heard a matter and fails to give a decision,

(a) in the case of a judgment, within six months; or

(b) in any other case, within three months,

the chief judge may extend the time in which the decision may be given and, if necessary, relieve the judge of his or her other duties until the decision is given.

Continued failure

(6) Where time has been extended under subsection (5) but the judge fails to give the decision within that time, unless the chief judge grants a further extension,

(a) the chief judge shall report the failure and the surrounding circumstances to the appropriate judicial council; and

(b) a party may make a motion to the chief judge for an order that the matter be reheard. *New.*

Rehearing

(7) Where an order is made under subsection (3), (4) or (6) for the rehearing of a matter, the chief judge may,

(a) dispose of the costs of the original hearing or refer the question of those costs to the judge or judges presiding at the rehearing;

(b) direct that the rehearing be conducted on the transcript of evidence taken at the original hearing, subject to the discretion of the court at the rehearing to recall a witness or require further evidence; and

(c) give such other directions as are considered just. R.S.O. 1980, c. 100, s. 30 (2-6).

Service on Sunday

134. No document shall be served and no order shall be executed on Sunday, except with leave of the court. R.S.O. 1980, c. 223, s. 132.

LANGUAGE

Official languages of the courts

135.—(1) The official languages of the courts of Ontario are English and French. *New.*

Proceedings in English unless otherwise provided

(2) Except as otherwise provided with respect to the use of the French language,

(a) hearings in courts shall be conducted in the English language and evidence adduced in a language other than English shall be interpreted into the English language; and

(b) documents filed in courts shall be in the English language or shall be accompanied by a translation of the document into the English language certified by affidavit of the translator. R.S.O. 1980, c. 223, s. 130 (1).

"designated court" defined

136.—(1) In this section, "designated court" means,

(a) a court sitting in,

(i) the county of Essex or Renfrew,

(ii) the judicial district of Niagara South, Ottawa-Carleton or York,

(iii) the territorial district of Algoma, Cochrane, Nipissing, Sudbury or Timiskaming,

(iv) the united counties of Prescott and Russell or the united counties of Stormont, Dundas and Glengarry;

(b) a court designated by order of the Lieutenant Governor in Council, sitting in a place that is not in a county or district mentioned in clause (a) and is designated in the order. R.S.O. 1980, c. 223, s. 130 (2, 3); 1983, c. 3, s. 1 (1).

Trial before bilingual judge

(2) In a proceeding in a designated court, a party who speaks the French language has the right to require that the hearing be conducted before a judge who speaks both the English and French languages.

Jury trial before bilingual jury

(3) In a proceeding in a designated court under clause (1) (a) that is to be heard by a jury, a party who speaks the French language has, with the consent of all parties, the right to require that the hearing be conducted before jurors who speak both the English and French languages.

Proceedings in English and French

(4) Where a right under subsection (2) or (3) is exercised,

(a) all evidence adduced and submissions made at the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;

(b) any other part of the hearing may be conducted in the French language if, in the opinion of the presiding judge, the hearing can be so conducted;

(c) any oral evidence adduced at an examination before or after the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;

(d) the court may order that clauses (a) and (b) apply to any other step in the proceeding;

(e) with the consent of all the parties, pleadings and other documents filed in the proceeding may be in the French language only;

(f) the reasons for the decision in the proceeding may be in either the English or French language; and

(g) on the request of a party or counsel who speaks the English or French language, but not both, the court shall provide,

(i) interpretation of anything given orally in the other language under clause (a), (b), (c) or (d), or

(ii) translation of documents in the other language under clause (a), (d) or (f), unless the court orders otherwise,

into the language spoken by the party or counsel. R.S.O. 1980, c. 223, s. 130 (6, 7).

Appeals

(5) Where an appeal is taken in a proceeding to which subsection (4) applies,

(a) a party who speaks the French language has the right to require the hearing of the appeal to be conducted before a judge or judges who speak both the English and French languages, in which case subsection (4) applies, with necessary modifications, to the hearing of the appeal; and

(b) the court whose decision is appealed shall provide a translation into the English or French language, at the request of a party or counsel who speaks only one of these languages, of any part of the transcript of the hearing that is in the other language.

Court documents

(6) A document filed by a party before the hearing in a proceeding in the Provincial Court (Family Division) or the Provincial Court (Civil Division) where the court is a designated court may be in the French language only. R.S.O. 1980, c. 223, s. 130 (8); 1983, c. 3, s. 1 (2).

Process

(7) A process issued in or giving rise to a criminal proceeding or a proceeding in the Provincial Offences Court where it is a designated court may be filed in the court in the French language only.

Translation

(8) A document or process referred to in subsection (6) or (7) that is filed in the English or French language only shall be translated by the court into the other language on the request of a party.

Interpretation in undesignated courts

(9) Where, at a hearing in a court that is not a designated court or at a hearing in a designated court to which subsection (4) does not apply, a party acting in person makes submissions to the court in the French language or a witness gives oral evidence in the French language, the court shall provide an interpreter to translate the submissions or evidence into the English language.

Corporations, etc.

(10) A corporation, partnership or sole proprietorship may claim the rights under this section in the same manner as a per-

son who speaks either the English or French language, unless the court orders otherwise.

(11) The Lieutenant Governor in Council may make regulations prescribing procedures for the purpose of this section. *New.* Regulations

INTEREST AND COSTS

137.—(1) In this section and in sections 138 and 139, Interpretation

(a) "bank rate" means the bank rate established by the Bank of Canada as the minimum rate at which the Bank of Canada makes short-term advances to the chartered banks;

(b) "date of the order" means the date the order is made, notwithstanding that the order is not entered or enforceable on that date, or that the order is varied on appeal, and in the case of an order directing a reference, the date the report on the reference is confirmed;

(c) "postjudgment interest rate" means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the date of the order falls, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;

(d) "prejudgment interest rate" means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the proceeding was commenced, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;

(e) "quarter" means the three-month period ending with the 31st day of March, 30th day of June, 30th day of September or 31st day of December. R.S.O. 1980, c. 223, s. 36 (1, 2).

(2) After the first day of the last month of each quarter, the Registrar of the Supreme Court shall forthwith, Calculation and publication of interest

(a) determine the prejudgment and postjudgment interest rate for the next quarter; and

(b) publish in *The Ontario Gazette* a table showing the rate determined under clause (a) for the next quarter

and for all the previous quarters during the preceding ten years. *New.*

Prejudgment interest

138.—(1) A person who is entitled to an order for the payment of money is entitled to claim and have included in the order an award of interest thereon at the prejudgment interest rate, calculated,

(a) where the order is made on a liquidated claim, from the date the cause of action arose to the date of the order; or

(b) where the order is made on an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of the order.

Special damages

(2) Where the order includes an amount for special damages, the interest calculated under subsection (1) shall be calculated on the balance of special damages incurred as totalled at the end of each six-month period following the notice in writing referred to in clause (1) (b) and at the date of the order.

Exclusion

(3) Interest shall not be awarded under subsection (1),

(a) on exemplary or punitive damages;

(b) on interest accruing under this section;

(c) on an award of costs in the proceeding;

(d) on that part of the order that represents pecuniary loss arising after the date of the order and that is identified by a finding of the court;

(e) where the order is made on consent, except by consent of the debtor; or

(f) where interest is payable by a right other than under this section. R.S.O. 1980, c. 223, s. 36 (3-6).

Application

(4) Where a proceeding is commenced before this section comes into force, this section does not apply and section 36 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Postjudgment interest

139.—(1) Money owing under an order, including costs fixed by the court, bears interest at the postjudgment interest rate, calculated from the date of the order. R.S.O. 1980, c. 223, s. 37 (1).

Interest on periodic payments

(2) Where an order provides for periodic payments, each payment in default shall bear interest only from the date of default.

Interest on orders originating outside Ontario

(3) Where an order is based on an order given outside Ontario or an order of a court outside Ontario is filed with a court in Ontario for the purpose of enforcement, money owing under the order bears interest at the rate, if any, applicable to the order given outside Ontario by the law of the place where it was given.

Assessed costs

(4) Where costs are assessed under an order or without an order, the costs bear interest at the postjudgment interest rate in the same manner as if the issuance of the certificate of assessment were the making of an order.

Other provision for interest

(5) Interest shall not be awarded under this section where interest is payable by a right other than under this section. *New.*

Application

(6) Where an order for the payment of money is made before this section comes into force, this section does not apply and section 37 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Discretion of court

140. The court may, where it considers it just to do so,

(a) disallow interest under section 138 or 139;

(b) allow interest at a rate higher or lower than that provided in section 138 or 139;

(c) allow interest for a period other than that provided in section 138 or 139,

in respect of the whole or any part of the amount on which interest is payable under sections 138 and 139. R.S.O. 1980, c. 223, ss. 36 (6), 37 (2).

Costs

141.—(1) Subject to the provisions of an Act or rules of court, the costs of a proceeding or a step in a proceeding are in the discretion of the court, and the court may determine by whom and to what extent the costs shall be paid. R.S.O. 1980, c. 223, s. 80 (1).

Crown costs

(2) In a proceeding to which Her Majesty is a party, costs awarded to Her Majesty shall not be disallowed or reduced on assessment merely because they relate to a barrister or solicitor who is a salaried officer of the Crown, and costs recovered on

behalf of Her Majesty shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 80 (5).

APPEALS

Judge not to hear appeal from own decision

142. A judge shall not sit as a member of a court hearing an appeal from his or her own decision. R.S.O. 1980, c. 223, ss. 42 (6), 46 (5).

Leave to appeal required

143. No appeal lies without leave of the court to which the appeal is to be taken,

(a) from an order made with the consent of the parties; or

(b) where the appeal is only as to costs that are in the discretion of the court that made the order for costs on the ground that the discretion was wrongly exercised. R.S.O. 1980, c. 223, ss. 27, 80 (4).

Powers on appeal

144.—(1) Unless otherwise provided, a court to which an appeal is taken may,

(a) make any order or decision that ought to or could have been made by the court or tribunal appealed from;

(b) order a new trial;

(c) make any other order or decision that is considered just. R.S.O. 1980, c. 223, s. 29 (1).

Interim orders

(2) On motion, a court to which an appeal is taken may make any interim order that is considered just to prevent prejudice to a party pending the appeal. *New.*

Power to quash

(3) On motion, a court to which an appeal is taken may quash the appeal where an appeal does not lie or where the appeal is not taken in good faith. R.S.O. 1980, c. 223, s. 13 (1).

Determination of fact

(4) Unless otherwise provided, a court to which an appeal is taken may, in a proper case,

(a) draw inferences of fact from the evidence, except that no inference shall be drawn that is inconsistent with a finding that has not been set aside;

(b) receive further evidence by affidavit, transcript of oral examination, oral examination before the court or in such other manner as the court directs; and

(c) direct a reference or the trial of an issue,

to enable the court to determine the appeal.

Scope of decisions

(5) The powers conferred by this section may be exercised notwithstanding that the appeal is as to part only of an order or decision, and may be exercised in favour of a party even though the party did not appeal. R.S.O. 1980, c. 223, s. 29 (2, 3).

New trial

(6) A court to which an appeal is taken shall not direct a new trial unless some substantial wrong or miscarriage of justice has occurred.

Idem

(7) Where some substantial wrong or miscarriage of justice has occurred but it affects only part of an order or decision or some of the parties, a new trial may be ordered in respect of only that part or those parties. R.S.O. 1980, c. 223, ss. 30, 31.

PUBLIC ACCESS

Public hearings

145.—(1) Subject to subsection (2) and rules of court, all court hearings shall be open to the public. R.S.O. 1980, c. 223, s. 117.

Exception

(2) The court may order the public to be excluded from a hearing where,

(a) there is reason to believe that the hearing would disclose matters harmful to public security; or

(b) the possibility of serious harm or injustice to any person justifies a departure from the general principle that court hearings should be open to the public.

Disclosure of information

(3) Where a proceeding is heard in the absence of the public, disclosure of information relating to the proceeding is not contempt of court unless the court expressly prohibited the disclosure of the information. *New.*

Prohibition against photography, etc., at court hearing

146.—(1) Subject to subsections (2) and (3), no person shall,

(a) take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representations by electronic means or otherwise,

(i) at a court hearing,

(ii) of any person entering or leaving the room in which a court hearing is to be or has been convened, or

(iii) of any person in the building in which a court hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing; or

(b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio recording or record taken in contravention of clause (a).

Sketches

(2) Nothing in subsection (1) prohibits a person from unobtrusively making notes or sketches at a court hearing.

Exceptions

(3) Subsection (1) does not apply to a photograph, motion picture, audio recording or record made with authorization of the judge,

(a) where required for the presentation of evidence or the making of a record or for any other purpose of the court hearing;

(b) in connection with any investitive, naturalization, ceremonial or other similar proceeding; or

(c) with the consent of the parties and witnesses, for such educational or instructional purposes as the judge approves.

Offence

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1980, c. 223, s. 67.

Documents public

147.—(1) On payment of the prescribed fee, a person is entitled to see any document filed in a civil proceeding in a court, unless an Act or an order of the court provides otherwise. R.S.O. 1980, c. 223, s. 129 (4).

Sealing documents

(2) A court may order that any document filed in a civil proceeding before it be treated as confidential, sealed and not form part of the public record. *New.*

Court lists public

(3) On payment of the prescribed fee, a person is entitled to see any list maintained by a court of civil proceedings commenced or judgments entered.

Copies

(4) On payment of the prescribed fee, a person is entitled to a copy of any document he or she is entitled to see. R.S.O. 1980, c. 223, s. 129 (1, 3).

MISCELLANEOUS

Multiplicity of proceedings

148. As far as possible, multiplicity of legal proceedings shall be avoided. R.S.O. 1980, c. 223, s. 18, par. 8.

Joint liability not affected by judgment or release

149.—(1) Where two or more persons are jointly liable in respect of the same cause of action, a judgment against or release of one of them does not preclude judgment against any other in the same or a separate proceeding.

Two proceedings in respect of same damage

(2) Where a person who has suffered damage brings two or more proceedings in respect of the damage, the person is not entitled to costs in any of the proceedings, except the first proceeding in which judgment is obtained, unless the court is of the opinion that there were reasonable grounds for bringing more than one proceeding. *New.*

Vexatious proceedings

150.—(1) Where a judge of the Supreme Court is satisfied, on application, that a person has habitually, persistently and without reasonable grounds,

(a) instituted vexatious proceedings in any court; or

(b) conducted a proceeding in any court in a vexatious manner,

the judge may order that,

(c) no further proceeding be instituted by the person in any court; or

(d) a proceeding previously instituted by the person in any court not be continued,

except by leave of a judge of the Supreme Court.

Attorney General

(2) An application under subsection (1) shall be made only with the consent of the Attorney General, and the Attorney General is entitled to be heard on the application. R.S.O. 1980, c. 523, s. 1 (1, 2).

Application for leave to proceed

(3) Where a person against whom an order under subsection (1) has been made seeks leave to institute or continue a proceeding, he or she shall do so by way of an application in the Supreme Court.

Leave to proceed

(4) Where an application for leave is made under subsection (3),

(a) leave shall be granted only if the court is satisfied that the proceeding sought to be instituted or continued is not an abuse of process and that there are reasonable grounds for the proceeding;

(b) the person making the application for leave may seek the rescission of the order made under subsection (1) but may not seek any other relief on the application;

(c) the court may rescind the order made under subsection (1);

(d) the Attorney General is entitled to be heard on the application; and

(e) no appeal lies from a refusal to grant relief to the applicant.

Abuse of process

(5) Nothing in this section limits the authority of a court to stay or dismiss a proceeding as an abuse of process or on any other ground. *New.*

Protection for acting under court order

151. A person is not liable for any act done in good faith in accordance with an order or process of a court in Ontario. R.S.O. 1980, c. 223, s. 142.

Enforcement of bonds and recognizances

152.—(1) A bond or recognizance arising out of a civil proceeding may be enforced in the same manner as an order for the payment of money by leave of a judge on motion by the Attorney General or any other person entitled to enforcement.

Enforcement of fines for contempt

(2) A fine for contempt of court may be enforced by the Attorney General in the same manner as an order for the payment of money or in any other manner permitted by law.

Enforcement by sheriff

(3) The sheriff to whom a writ obtained under subsection (1) or (2) is directed shall proceed immediately to carry out the writ without a direction to enforce. R.S.O. 1980, c. 144.

Payment to foreign payee

153. Money that has been paid into court or that is in the hands of an executor or administrator, and that is payable to a

person who is a subject of a foreign country that has a consul in Canada who is authorized to act as the person's official representative, may be paid to the consul. R.S.O. 1980, c. 223, s. 113.

Seal of court

154.—(1) The courts shall have such seals as are approved by the Attorney General.

Idem

(2) Every document issued out of a court in a civil proceeding shall bear the seal of the court. R.S.O. 1980, c. 223, ss. 12, 94.

Jurisdiction of Federal Court

155. The Federal Court of Canada has jurisdiction,

(a) in controversies between Canada and Ontario;

(b) in controversies between Ontario and any other province in which an enactment similar to this section is in force,

in accordance with section 19 of the *Federal Court Act* (Canada). R.S.O. 1980, c. 125, s. 1.

R.S.C. 1970 (2nd Supp.), c. 10

PART IX

TRANSITIONAL PROVISIONS

Application to all proceedings

156.—(1) This Act applies to all proceedings, whether commenced before or after this Act comes into force, subject to subsections (2) and (3) and except as otherwise provided.

Exception

(2) Where a notice of appeal is delivered before this Act comes into force, the appeal shall be heard and determined by the court that had jurisdiction over the appeal before this Act comes into force.

Exception

(3) Where a proceeding is commenced before this Act comes into force, on motion, the court in which the proceeding was commenced may order, subject to such terms as are considered just and subject to variation by further order, that the proceeding or a step in the proceeding be conducted under the Acts and rules of court that governed the matter immediately before this Act comes into force or may make any other order that is considered just.

Continuation of county court proceedings

157.—(1) A proceeding commenced in a county or district court, a county or district court judge's criminal court or a court of general sessions of the peace and pending when Part II comes into force is continued in the District Court.

References to county and district courts

(2) A reference in an Act or regulation to a county or district court or to a judge or the Chief Judge or Associate Chief Judge thereof shall be deemed to be a reference to the District Court or a judge, the Chief Judge or Associate Chief Judge thereof, respectively.

Continuation of proceedings in provincial courts

158.—(1) A proceeding commenced in a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court and pending when Part IV comes into force is continued in the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

References to provincial courts

(2) A reference in an Act or regulation to a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court shall be deemed to be a reference to the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

Reference to territorial jurisdiction

159. Where by an Act or regulation, jurisdiction is conferred on a particular county or district court, provincial court, provincial offences court or small claims court, the jurisdiction shall be deemed to be conferred on the District Court, Provincial Court, Provincial Offences Court or Provincial Court (Civil Division) sitting in the county or district of the court named.

PART X

COMPLEMENTARY AMENDMENTS TO STATUTE LAW

Changes in terminology

160. A reference in any Act, rule or regulation, or order or other court process to a term set out in column 1 of the Table, or any form thereof, shall be deemed to refer to the corresponding term set out opposite thereto in column 2.

TABLE

Column 1	*Column 2*
1. administrator *ad litem*	1. litigation administrator
2. certificate of *lis pendens*	2. certificate of pending litigation
3. conduct money	3. attendance money
4. guardian *ad litem*	4. litigation guardian
5. next friend	5. litigation guardian
6. originating motion	6. application

TABLE—*Continued*

Column 1	*Column 2*
7. origination notice	7. notice of application
8. praecipe	8. requisition
9. Rules of Practice and Procedure of the Supreme Court of Ontario made by the Rules Committee	9. Rules of Civil Procedure
10. taxation of costs	10. assessment of costs
11. taxing officer	11. assessment officer
12. writ of *fieri facias*	12. writ of seizure and sale
13. writ of summons	13. statement of claim or notice of action

161. Subsection 31 (1) of the *Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 25, s. 31 (1), repealed

162. The *Bailiffs Act*, being chapter 37 of the Revised Statutes of Ontario, 1980, is amended by striking out "clerk of the peace" where it occurs in sections 6, 7 and 12 and inserting in lieu thereof in each instance "sheriff". R.S.O. 1980, c. 37, ss. 6, 7, 12, amended

163. Section 68 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed. R.S.O. 1980, c. 68, s. 68, repealed

164. The *Constitutional Questions Act*, being chapter 86 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 86, repealed

165.—(1) Clause 51 (2) (a) of the *Construction Lien Act, 1983*, being chapter 6, is amended by striking out "having jurisdiction" in the first line and inserting in lieu thereof "sitting". 1983, c. 6, s. 51 (2) (a), amended

(2) Clauses 51 (2) (b) and (c) of the said Act are repealed and the following substituted therefor: Idem s. 51 (2) (b, c), re-enacted

(b) on consent of the persons to whom a notice of trial must be given and on the order of a local judge sitting in the county or district referred to in clause (a), by a local judge sitting in another county or district, but not in the Judicial District of York; or

(c) where upon motion a local judge sitting in the county or district referred to in clause (a) so orders, by a

judge of the court at the regular sittings of the court for the trial of actions in that county or district.

Idem
s. 52 (1) (b), re-enacted

(3) Clause 52 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) a master assigned to the county or district in which the premises or part thereof are situate or a commissioner appointed under section 24 of the *Courts of Justice Act, 1983*, where the premises are situate outside the Judicial District of York.

1983, c. ...

Idem
s. 52 (1) (c), amended

(4) Clause 52 (1) (c) of the said Act is amended by striking out "the" in the second line and inserting in lieu thereof "a".

Idem
s. 52 (2), amended

(5) Subsection 52 (2) of the said Act is amended by striking out "appointed local master" in the first line and inserting in lieu thereof "commissioner".

Idem
s. 52 (2) (b), amended

(6) Clause 52 (2) (b) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

Idem
s. 52 (2) (c), amended

(7) Clause 52 (2) (c) of the said Act is amended by striking out "originating".

Idem
s. 52 (3), amended

(8) Subsection 52 (3) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

Idem
s. 53, amended

(9) Section 53 of the said Act is amended by striking out "an appointed local master" in the second line and inserting in lieu thereof "commissioner".

Idem
s. 54, amended

(10) Section 54 of the said Act is amended by striking out "an appointed local master" in the first and second lines and inserting in lieu thereof "commissioner".

Idem
s. 55 (1), amended

(11) Subsection 55 (1) of the said Act is amended by striking out "filing" in the first line and inserting in lieu thereof "issuing" and by striking out "registrar or" in the second line.

Idem
s. 55 (2), amended

(12) Subsection 55 (2) of the said Act is amended by striking out "filed" in the second line and inserting in lieu thereof "issued".

Idem
s. 56 (2), re-enacted

(13) Subsection 56 (2) of the said Act is repealed and the following substituted therefor:

(2) Where a person against whom a claim is made in a statement of claim, counterclaim, crossclaim or third party claim defaults in the delivery of a defence to that claim, the person against whom the claim is made may be noted in default. Noting in default

(14) Subsection 56 (3) of the said Act is amended by striking out "pleadings have been noted closed against a defendant or third party" in the first and second lines and inserting in lieu thereof "a defendant or third party has been noted in default". Idem s. 56 (3), amended

(15) Subsection 56 (4) of the said Act is amended by striking out "against whom pleadings have been noted closed" in the second and third lines and inserting in lieu thereof "who has been noted in default" and by striking out "proceeding in respect of" in the seventh line and inserting in lieu thereof "step in". Idem s. 56 (4), amended

(16) Subsection 56 (5) of the said Act is repealed. Idem s. 56 (5), repealed

(17) Section 58 of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third line of paragraph 3 and inserting in lieu thereof "claims" in each instance. Idem s. 58, amended

(18) Clause 60 (1) (b) of the said Act is repealed and the following substituted therefor: Idem s. 60 (1) (b), re-enacted

(b) a local judge may refer to a master assigned to the county or district in which the trial is to take place or a commissioner appointed under section 24 of the *Courts of Justice Act, 1983*. 1983, c. ...

(19) Subsection 60 (1) of the said Act is amended by striking out "under section 71 of the *Judicature Act*" in the ninth line. Idem s. 60 (1), amended

(20) Clause 60 (2) (b) of the said Act is repealed and the following substituted therefor: Idem s. 60 (2) (b), re-enacted

(b) a local judge may direct a reference to a master assigned to the county or district in which the trial is to take place or to a commissioner.

(21) Subsection 60 (2) of the said Act is amended by striking out "under section 70 or 71 of the *Judicature Act*" in the sixth line. Idem s. 60 (2), amended

(22) Subsection 60 (3) of the said Act is amended by striking out "local master" in the second line and inserting in lieu thereof "commissioner". Idem s. 60 (3), amended

Idem
s. 63 (6), re-enacted

(23) Subsection 63 (6) of the said Act is repealed and the following substituted therefor:

Non-application of Rule 50

(6) Rule 50 of the Rules of Civil Procedure does not apply to an action under this Act.

Idem
s. 64 (1) (b), amended

(24) Clause 64 (1) (b) of the said Act is amended by striking out "an appointed local master of the court" in the second and third lines and inserting in lieu thereof "commissioner".

Idem
s. 64 (2), amended

(25) Subsection 64 (2) of the said Act is amended by striking out "proceedings" in the third line and inserting in lieu thereof "action".

Idem
s. 64 (3), amended

(26) Subsection 64 (3) of the said Act is amended by striking out "an appointed local master" in the first line and inserting in lieu thereof "commissioner" and by striking out "appeal" in the fourth line and inserting in lieu thereof "a motion to oppose confirmation of the report".

Idem
s. 69 (2), amended

(27) Subsection 69 (2) of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third line and inserting in lieu thereof "steps" in each instance.

Idem
s. 69 (6), amended

(28) Subsection 69 (6) of the said Act is amended by striking out "interlocutory" in the fourth line.

Idem
s. 73 (1, 2), re-enacted

(29) Subsections 73 (1) and (2) of the said Act are repealed and the following substituted therefor:

Appeal to Divisional Court

(1) Subject to subsection (3), an appeal lies to the Divisional Court from a judgment or an order on a motion to oppose confirmation of a report under this Act.

Notice of appeal

(2) A party wishing to appeal shall file and serve his notice of appeal within fifteen days of the date of the judgment or order, but the time for filing or serving the notice of appeal may be extended by the written consent of all parties, or by a single judge of the Divisional Court where an appropriate case is made out for doing so.

Idem
s. 73 (3) (a), amended

(30) Clause 73 (3) (a) of the said Act is amended by inserting after "or" in the first line "an order on a motion to oppose confirmation of".

Idem
s. 88 (1), amended

(31) Subsection 88 (1) of the said Act is amended by striking out "an appointed local master" in the eighteenth and nineteenth lines and inserting in lieu thereof "commissioner".

Idem
s. 88 (3), repealed

(32) Subsection 88 (3) of the said Act is repealed.

(33) Subsection 89 (3) of the said Act is repealed.

Idem
s. 89 (3), repealed

166. Subsection 3 (6) of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

R.S.O. 1980, c. 93, s. 3 (6), re-enacted

(6) A copy of the order appointing a coroner shall be sent by the Minister to the Crown attorney of any county or district in which the coroner will ordinarily act.

Crown attorney notified of appointment

167. The *County Court Judges' Criminal Courts Act*, being chapter 99 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 99, repealed

168. The *County Courts Act*, being chapter 100 of the Revised Statutes of Ontario, 1980 and the *County Courts Amendment Act, 1981*, being chapter 24, are repealed.

R.S.O. 1980, c. 100; 1981, c. 24, repealed

169. The *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 101, repealed

170.—(1) Section 6 of the *Crown Attorneys Act*, being chapter 107 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 107, s. 6, repealed

(2) Subclauses 12 (b) (ii) and (iii) of the said Act are repealed and the following substituted therefor:

Idem
s. 12 (b) (ii), re-enacted; s. 12 (b) (iii), repealed

(ii) at sittings of the District Court, and

. . . . .

(3) Clause 12 (i) of the said Act is repealed.

Idem
s. 12 (i), repealed

(4) Section 14 of the said Act is amended by striking out "and clerk of the peace" in the second and third lines.

Idem
s. 14, amended

(5) Section 15 of the said Act is amended by striking out "and clerk of the peace" in the first line.

Idem
s. 15, amended

171. Section 19 of the *Developmental Services Act*, being chapter 118 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 118, s. 19, repealed

172. Subsection 2 (3) of the *Disorderly Houses Act*, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out "clerk of the peace" in the second line and inserting in lieu thereof "local registrar of the District Court".

R.S.O. 1980, c. 120, s. 2 (3), amended

R.S.O. 1980, c. 125, repealed

173. The *Dominion Courts Act*, being chapter 125 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 143, s. 26, repealed

174. Section 26 of the *Estates Administration Act*, being chapter 143 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 144, repealed

175. The *Estreats Act*, being chapter 144 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 145, s. 48, amended

176.—(1) Section 48 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Presumption

(2) An examination or deposition received or read in evidence under subsection (1) shall be presumed to represent accurately the evidence of the party or witness, unless the contrary is shown.

Idem s. 60 (1), amended

(2) Subsection 60 (1) of the said Act is amended by inserting after "process" in the fifth line "for a purpose for which a letter of request could be issued under the Rules of Civil Procedure".

R.S.O. 1980, c. 146, ss. 19a, 19b, enacted

177.—(1) The *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

Execution of writ of seizure and sale

19a.—(1) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration may use reasonable force to enter land and premises other than a dwelling where he believes, on reasonable and probable grounds, that there is property liable to be taken in execution under the writ and may use reasonable force to execute the writ.

Idem, dwelling

(2) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration in respect of property on premises that is used as a dwelling shall not use force to enter the dwelling or execute the writ except under the authority of an order of the court by which the writ was issued, and the court may make the order where in the opinion of the court there is reasonable and probable grounds to believe that there is property on the premises that is liable to be taken in execution under the writ.

Execution of writ of possession

19b.—(1) A sheriff acting under a writ of possession may use reasonable force to enter and take possession of the land and premises referred to in the writ.

Idem

(2) In executing a writ of possession it is not necessary to remove personal property from the land and premises.

(2) Section 25 of the said Act is repealed.

Idem
s. 25, repealed

(3) The said Act is further amended by adding thereto the following section:

Idem
s. 29a, enacted

29a. Under an execution against a partner in his personal capacity, partnership assets shall not be taken in execution, but an order may be made appointing a receiver of the partner's share of profits whether already declared or accruing and of any other money that may be coming to him in respect of the partnership.

Execution against partner

178. The *Extra-Judicial Services Act*, being chapter 149 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 149, repealed

179.—(1) Subsection 2 (6) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 152, s. 2 (6), repealed

(2) Clause 25 (1) (b) of the said Act is repealed and the following substituted therefor:

Idem
s. 25 (1) (b), re-enacted

(b) it appears to the court that the respondent resides in another county or district; and

. . . . .

(3) Subsection 25 (6) of the said Act is repealed and the following substituted therefor:

Idem
s. 25 (6), re-enacted

(6) Where the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court shall remit the case to the court sitting in the county or district where the order was made together with a statement of the reasons for so doing, and in that event the court sitting in the county or district where the order was made may dispose of the application in such manner as it considers proper.

Where order not confirmed

(4) Section 30 of the said Act is repealed.

Idem
s. 30, repealed

180. Section 3 of the *Fines and Forfeitures Act*, being chapter 162 of the Revised Statutes of Ontario, 1980, is amended by striking out "court of general sessions of the peace" in the fifth and sixth lines and inserting in lieu thereof "District Court".

R.S.O. 1980, c. 162, s. 3, amended

181. The *General Sessions Act*, being chapter 187 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 187, repealed

R.S.O. 1980, c. 193, s. 1 (1), amended

182. Subsection 1 (1) of the *Habeas Corpus Act*, being chapter 193 of the Revised Statutes of Ontario, 1980, is amended by striking out "court of general sessions of the peace" in the third and fourth lines and inserting in lieu thereof "District Court".

R.S.O. 1980, c. 198, s. 180 (3), re-enacted

183. Subsection 180 (3) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Action for damages

(3) Notwithstanding subsections (1) and (2), when an action is within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim, crossclaim or third or subsequent party claim is commenced by a defendant in respect of damages occasioned in the same accident, the lapse of time herein limited is not a bar to the counterclaim, crossclaim or third or subsequent party claim.

R.S.O. 1980, c. 219, s. 19a, enacted

184.—(1) The *Interpretation Act*, being chapter 219 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

DEATH OF SOVEREIGN

Death of Sovereign

19a. Where a reigning Sovereign dies, no rule or construction of law shall be applied so as to prevent the continuation of any matter under the successor to the Crown as if the death had not occurred.

Idem ss. 28, 29, repealed

(2) Sections 28 and 29 of the said Act are repealed.

Idem s. 30, par. 31, amended

(3) Paragraph 31 of section 30 of the said Act is amended by striking out "*Judicature Act*" in the second line and inserting in lieu thereof "*Courts of Justice Act, 1983*".

Idem s. 31, amended

(4) Section 31 of the said Act is amended by striking out "*Judicature Act*" in the first line and inserting in lieu thereof "*Courts of Justice Act, 1983*".

R.S.O. 1980, c. 220, s .1 (c), amended

185. Clause 1 (c) of the *Interprovincial Subpoenas Act*, being chapter 220 of the Revised Statutes of Ontario, 1980, is amended by striking out "or hearing" in the fourth line and inserting in lieu thereof "hearing or examination".

R.S.O. 1980, c. 222, repealed

186. The *Judges' Orders Enforcement Act*, being chapter 222 of the Revised Statutes of Ontario, 1980, is repealed.

187.—(1) The *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, the *Judicature Amendment Act, 1981*, being chapter 23, the *Judicature Amendment Act, 1983*, being chapter 3, subsection 106 (1) of *The Judicature Act*, being chapter 100 of the Revised Statutes of Ontario, 1937 and subsection 3 (1) of *The Judicature Amendment Act, 1941*, being chapter 24, are repealed . R.S.O. 1980, c. 223; 1981, c. 23; 1983, c. 3; R.S.O. 1937, c. 100, s. 106 (1); 1941, c. 24, s. 3 (1), repealed

(2) The Suitors Fee Fund Account is abolished and all money in the account shall be paid into the Consolidated Revenue Fund. Suitors Fee Fund Account abolished

188. Section 11 of the *Judicial Review Procedure Act*, being chapter 224 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 224, s. 11, repealed

189.—(1) Subclause 5 (1) (a) (ii) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 226, s. 5 (1) (a) (ii), repealed

(2) Subsection 8 (2) of the said Act is amended by striking out "is designated in a county or district under section 130 of the *Judicature Act*" in the first and second lines and inserting in lieu thereof "is a designated court under clause 136 (1) (a) of the *Courts of Justice Act, 1983*". Idem s. 8 (2), amended

(3) Subsection 12 (1) of the said Act is amended by striking out "or of the court of general sessions of the peace" in the fourth and fifth lines. Idem s. 12 (1), amended

(4) Section 12 of the said Act is amended by adding thereto the following subsection: Idem s. 12, amended

(1a) Where the sittings of the Supreme Court and the District Court are to be held at the same time in the same county or district, a precept under subsection (1) may be issued jointly by a judge of the Supreme Court and a judge of the District Court. Joint issuance for Supreme and District Courts

(5) Subsection 14 (2) of the said Act is amended by striking out "or court of general sessions of the peace" in the third line. Idem s. 14 (2), amended

(6) Sections 15 and 20 of the said Act are repealed. Idem ss. 15, 20, repealed

(7) Subsection 21 (1) of the said Act is amended by striking out "registered" in the second line and inserting in lieu thereof "ordinary". Idem s. 21 (1), amended

(8) Subsection 23 (4) of the said Act is amended by striking out "of the Supreme Court for the trial of criminal matters and pro- Idem s. 23 (4), amended

ceedings, or in the case of a sittings of the court of general sessions of the peace" in the first, second and third lines and inserting in lieu thereof "for the hearing of criminal proceedings".

Idem
s. 24 (2), amended

(9) Subsection 24 (2) of the said Act is amended by striking out "or the court of general sessions of the peace, or both" in the third and fourth lines.

Idem
s. 26 (1), amended

(10) Subsection 26 (1) of the said Act is amended by striking out "or court of general sessions of the peace" in the fourth and fifth lines.

Idem
s. 28, amended

(11) Section 28 of the said Act is amended by striking out "courts of general sessions of the peace and of" in the sixth line.

Idem
s. 35, amended

(12) Section 35 of the said Act is amended by striking out "court of general sessions of the peace, and of the" in the second line.

Idem
s. 39 (1) (a), amended

(13) Clause 39 (1) (a) of the said Act is amended by striking out "the court of general sessions of the peace or of" in the second line.

Idem
s. 42 (2), amended

(14) Subsection 42 (2) of the said Act is amended by striking out "or clerk of the peace" in the first line.

Idem
s. 43 (d), amended

(15) Clause 43 (d) of the said Act is amended by striking out "clerk of the peace" in the first line.

Idem
s. 46, amended

(16) Section 46 of the said Act is amended by striking out "and the court of general sessions of the peace" in the second and third lines.

R.S.O. 1980, c. 230, s. 135 (1), repealed

190. Subsection 135 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 237, s. 11, repealed

191. Section 11 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 255, s. 1 (a), repealed

192. Clause 1 (a) of the *Marine Insurance Act*, being chapter 255 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 258, repealed

193. The *Matrimonial Causes Act*, being chapter 258 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 262, s. 45, repealed

194. Section 45 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 264, s. 6, amended

195.—(1) Section 6 of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is

amended by striking out "the confirmation of" in the fourth and fifth lines and by striking out "confirmation" in the fifth and sixth lines and inserting in lieu thereof "propounding".

(2) Subsection 12 (1) of the said Act is amended by striking out the words following clause (c) in the eleventh, twelfth, thirteenth and fourteenth lines. Idem s. 12 (1), amended

(3) Subsection 12 (2) of the said Act is repealed. Idem s. 12 (2), repealed

(4) Subsection 12 (3) of the said Act is amended by striking out "and any such appointment need not be confirmed" in the fourth line. Idem s. 12 (3), amended

(5) Section 38 of the said Act is repealed. Idem s. 38, repealed

196.—(1) Subsection 41 (2) of the *Mortgages Act*, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by striking out "the clerk of the county or district court, or by the local master of" in the fifth and sixth lines and inserting in lieu thereof "an assessment officer in". R.S.O. 1980, c. 296, s. 41 (2), amended

(2) Subsection 41 (4) of the said Act is amended by striking out "one of the taxing officers of the Supreme Court at Toronto or by a local master having jurisdiction in the county or district in which the mortgaged property or any part of it is situate" in the third, fourth, fifth and sixth lines and inserting in lieu thereof "an assessment officer". Idem s. 41 (4), amended

197. Section 13 of the *Municipal Arbitrations Act*, being chapter 304 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 304, s. 13, repealed

198. Section 1 of the *Negligence Act*, being chapter 315 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 315, s. 1, repealed

199. Subsections 95 (1), (2) and (3) of the *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: R.S.O. 1980, c. 347, s. 95 (1), re-enacted; s. 95 (2, 3), repealed

(1) Subject to the provisions of Part IV, an appeal lies from the Board to the Divisional Court, with leave of the Divisional Court, on a question of law. Appeal

200.—(1) Subsection 3 (1) of the *Partition Act*, being chapter 369 of the Revised Statutes of Ontario, 1980, is amended by striking out "appointed by a surrogate court" in the second line and by striking out "take proceedings" in the third line R.S.O. 1980, c. 369, s. 3 (1), amended

and inserting in lieu thereof "bring an action or make an application".

Idem
s. 4 (1), amended

(2) Subsection 4 (1) of the said Act is amended by striking out "application" in the fourth line and inserting in lieu thereof "motion".

Idem
s. 4 (3), amended

(3) Subsection 4 (3) of the said Act is amended by striking out "application" in the third line and inserting in lieu thereof "motion".

Idem
s. 5 (1), amended

(4) Subsection 5 (1) of the said Act is amended by striking out "an action or proceeding" in the first line and in the second line and inserting in lieu thereof in each instance "a proceeding".

Idem
s. 7 (1), amended

(5) Subsection 7 (1) of the said Act is amended by striking out "proceedings under this Act are" in the first line and inserting in lieu thereof "an application under this Act is".

R.S.O. 1980, c. 381, s. 44, repealed

201. Section 44 of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980, c. 391, ss. 3 (1, 2, 7), 6 (1), 7, 12 (2), 50, 53, amended

202. Subsections 3 (1), (2) and (7), subsection 6 (1), section 7, subsection 12 (2) and sections 50 and 53 of the *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, are amended by striking out "clerk of the peace" in each instance where it occurs and inserting in lieu thereof "Crown attorney".

R.S.O. 1980, c. 393, s. 3, amended

203.—(1) Section 3 of the *Proceedings Against the Crown Act*, being chapter 393 of the Revised Statutes of Ontario, 1980, is amended by striking out "Except as provided in section 29" in the first line.

Idem
s. 14, re-enacted

(2) Section 14 of the said Act is repealed and the following substituted therefor:

Service on the Crown

14. In proceedings under this Act, a document to be served personally on the Crown shall be served by leaving a copy of the document with a solicitor in the Crown Law Office (Civil Law) of the Ministry of the Attorney General.

Idem
s. 26, re-enacted

(3) Section 26 of the said Act is repealed and the following substituted therefor:

Payment by Crown

26. The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund the amount payable by the Crown under an order of a court that is final and not subject to appeal or under a settlement of a proceeding in a court.

204.—(1) The title to the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 398, amended

JUVENILE OBSERVATION AND DETENTION HOMES ACT

(2) Sections 1 to 26, sections 31 to 33 and clauses 34 (1) (a), (b), (c), (d), (e), (f), (l) and (m) of the said Act are repealed. Idem ss. 1-26, 31-33, 34 (1) (a-f, l, m), repealed

205. The *Provincial Court (Civil Division) Act*, being chapter 397 of the Revised Statutes of Ontario, 1980 and the *Provincial Court (Civil Division) Project Amendment Act, 1982*, being chapter 58, are repealed. R.S.O. 1980, c. 397; 1982, c. 58, repealed

206.—(1) Subsection 76 (1) of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by inserting after "prescribed" in the second line "by or under any Act". R.S.O. 1980, c. 400, s. 76 (1), amended

(2) Section 114 of the said Act is amended by adding thereto the following subsection: Idem s. 114, amended

(3) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1). Appeal as to leave

(3) Section 122 of the said Act is amended by adding thereto the following subsection: Idem s. 122, amended

(4) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1). Appeal as to leave

207. The *Public Officers' Fees Act*, being chapter 416 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 416, repealed

208. The *Quieting Titles Act*, being chapter 427 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 427, repealed

209. Section 7 of the *Reciprocal Enforcement of Judgments Act*, being chapter 432 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 432, s. 7, repealed

210. The *Replevin Act*, being chapter 449 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 449, repealed

211. Clause 1 (1) (a) of the *Sale of Goods Act*, being chapter 462 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 462, s. 1 (1) (a), repealed

R.S.O. 1980, c. 470, ss. 1, 2, re-enacted

212.—(1) Sections 1 and 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Sheriffs

1.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a sheriff for each county and district and additional sheriffs for such counties and districts as are indicated in the appointment.

Deputy sheriffs

(2) With the approval of the Attorney General, every sheriff may appoint in writing a deputy sheriff who may exercise and perform all the powers and duties of the sheriff.

Enforcement of court orders

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

Idem s. 11 (3), repealed

(2) Subsection 11 (3) of the said Act is repealed.

Idem s. 12, re-enacted

(3) Section 12 of the said Act is repealed and the following substituted therefor:

Office hours

12. Every sheriff's office shall be open for business on the days and during the hours that court offices are required to be open under the Rules of Civil Procedure.

Idem s. 17, amended

(4) Section 17 of the said Act is amended by striking out "the court of general sessions of the peace" in the third line.

Idem s. 21, repealed

(5) Section 21 of the said Act is repealed.

R.S.O. 1980, c. 476; 1983, c. 22, repealed

213. The *Small Claims Courts Act*, being chapter 476 of the Revised Statutes of Ontario, 1980 and the *Small Claims Courts Amendment Act*, 1983, being chapter 22, are repealed.

R.S.O. 1980, c. 478, s. 6 (5), re-enacted

214.—(1) Subsection 6 (5) of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

When payment due

(5) The amount certified to be due shall be paid by the party liable to pay the amount, forthwith after confirmation of the certificate in the same manner as confirmation of a referee's report under the Rules of Civil Procedure.

Idem s. 6, amended

(2) Section 6 of the said Act is amended by adding thereto the following subsection:

Motion to oppose confirmation

(10) A motion to oppose confirmation of the certificate shall be made to a judge of the High Court.

(3) The said Act is amended by adding thereto the following section: — Idem, s. 6a, enacted

6a.—(1) Upon assessment between a solicitor and his client, the assessment officer may allow the costs of steps taken in proceedings that were in fact unnecessary where he is of the opinion that the steps were taken by the solicitor because, in his judgment, reasonably exercised, they were conducive to the interests of his client, and may allow the costs of steps that were not calculated to advance the interests of the client where the steps were taken by the desire of the client after being informed by his solicitor that they were unnecessary and not calculated to advance his interests. — Costs of unnecessary steps in proceedings

(2) Subsection (1) does not apply to solicitor and client costs payable out of a fund not wholly belonging to the client, or by a third party. — Application

(4) Section 14 of the said Act is repealed. — Idem, s. 14, repealed

(5) Subsection 35 (3) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 21, is amended by striking out "section 36 of the *Judicature Act*" in the second and third lines and inserting in lieu thereof "for the purpose of section 138 of the *Courts of Justice Act, 1983*". — Idem, s. 35 (3), amended

(6) The said Act is further amended by adding thereto the following section: — Idem, s. 35a, enacted

SOLICITORS' CHARGING ORDERS

35a.—(1) Where a solicitor has been employed to prosecute or defend a proceeding in the Supreme Court or the District Court, the court may, on motion, declare the solicitor to be entitled to a charge on the property recovered or preserved through the instrumentality of the solicitor for the solicitor's fees, costs, charges and disbursements in the proceeding. — Charge on property for costs

(2) A conveyance made to defeat or which may operate to defeat a charge under subsection (1) is, unless made to a person who purchased the property for value in good faith and without notice of the charge, void as against the charge. — Conveyance to defeat is void

(3) The court may order that the solicitor's bill for services be assessed in accordance with this Act and that payment shall be made out of the charged property. — Assessment and recovery

(7) Subsection (5) does not apply to bills delivered or overpayments made before this Act comes into force. — Application of subs. (5)

R.S.O. 1980, c. 491, s. 3, repealed

215.—(1) **Section 3 of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed.**

Idem
s. 6, amended

(2) Section 6 of the said Act is amended by striking out "$100" in the fourth line and inserting in lieu thereof "$10,000".

Idem
s. 7, amended

(3) Section 7 of the said Act is amended by striking out "and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of" in the first, second, third and fourth lines.

Idem
s. 10, repealed

(4) Section 10 of the said Act is repealed.

Idem
s. 12 (1) (2), re-enacted

(5) Subsections 12 (1) and (2) of the said Act are repealed and the following substituted therefor:

Registrars

(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a registrar of the surrogate court for each county and district and additional registrars for such counties and districts as are indicated in the appointment.

Deputy registrars

(2) With the approval of the Attorney General, every surrogate court registrar may appoint in writing a deputy surrogate court registrar who may exercise and perform all the powers and duties of the surrogate court registrar.

Idem
ss. 13, 16, 19, repealed

(6) Sections 13, 16 and 19 of the said Act are repealed.

Idem
s. 80, re-enacted

(7) Section 80 of the said Act is repealed and the following substituted therefor:

Rules

80.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the surrogate courts in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the courts;

(b) joinder of claims and parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) duties of registrars and other officers;

(e) costs of proceedings, including security for costs;

(f) any matter that is referred to in an Act as provided for by rules of court,

and, where an Act contains provisions in respect of practice and procedure, the Rules Committee of the Supreme and District Courts may make rules supplementing those provisions.

(2) The Rules of Civil Procedure apply to surrogate courts, except in so far as the rules of the surrogate courts otherwise provide. Application of Rules of Civil Procedure

216.—(1) Subsection 37 (7) of the *Trustee Act*, being chapter 512 of the Revised Statutes of Ontario, 1980, is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario". R.S.O. 1980, c. 512, s. 37 (7), amended

(2) Subsection 37 (8) of the said Act is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario". Idem s. 37 (8), amended

(3) Subsections 38 (3), (4), (5) and (6) of the said Act are repealed. Idem s. 38 (3-6), repealed

217. The *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, section 5 of the *Children's Law Reform Amendment Act, 1982*, being chapter 20 and the *Unified Family Court Amendment Act, 1982*, being chapter 21, are repealed. R.S.O. 1980, c. 515; 1982, c. 20, s. 5; 1982, c. 21, repealed

218. The *Vexatious Proceedings Act*, being chapter 523 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 523, repealed

219. Clause 1 (a) of the *Warehouse Receipts Act*, being chapter 528 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 528, s. 1 (a), repealed

220. Section 39 of the *Woodmen's Lien for Wages Act*, being chapter 537 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 537, s. 39, repealed

221. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

222. The short title of this Act is the *Courts of Justice Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 102

An Act to amend the Corporations Information Act

The Hon. R.G. Elgie
Minister of Consumer and Commercial Relations

1st Reading October 28th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The definition of "extra-provincial corporation" is amended to correspond to the definition in the proposed *Extra-Provincial Corporations Act, 1983*.

SECTION 2. The Act currently prohibits a corporation from carrying on business under a style that contains "Limited". The *Limited Partnerships Act* permits the use of "Limited Partnership". The new provision would bring the Act in line with the *Limited Partnerships Act*.

SECTION 3.—Subsection 1. The amendment recognizes the use of "registered office" in place of "head office" in many jurisdictions.

Subsection 2. This is a housekeeping amendment to correct an omission to an internal reference during the revision.

SECTION 4. The list of information to be filed by an extra-provincial corporation is expanded.

Bill 102 1983

An Act to amend the Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (c) of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (c), re-enacted

(c) "extra-provincial corporation" means a corporation, with or without share capital, incorporated or continued otherwise than by or under the authority of an Act of the Legislature.

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 23, section 1, is further amended by adding thereto the following subsection: s. 2, amended

(3a) Subsection (3) does not apply to prohibit the use of the expression "Limited Partnership" in the name or style registered by a corporate partner in a limited partnership. "Limited Partnership" permitted

3.—(1) Clause 3 (1) (f) of the said Act is amended by inserting after "head" in the first line and in the second line "or registered". s. 3 (1) (f), amended

(2) Subsection 3 (3) of the said Act is amended by striking out "section 4" in the fifth line and inserting in lieu thereof "clauses 1 (a) to (f) or section 4, whichever is applicable". s. 3 (3), amended

4. Section 4 of the said Act is repealed and the following substituted therefor: s. 4, re-enacted

4. An extra-provincial corporation shall file the following information: Information to be filed

1. The name of the corporation.

2. The date and manner of its incorporation or amalgamation.

3. The name of the jurisdiction under which the corporation was incorporated, amalgamated or continued.

4. The address of the head or registered office of the corporation.

5. The date on which the corporation commenced activities in Ontario.

6. The name and office address of its chief officer or manager in Ontario.

7. The address of its principal office in Ontario.

Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is the *Corporations Information Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 103

An Act in respect of Extra-Provincial Corporations

The Hon. R.G. Elgie
Minister of Consumer and Commercial Relations

1st Reading October 28th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill is a revision of Part VIII of the *Corporations Act* which deals with extra-provincial corporations.

The main changes from the existing law are as follows:

1. Corporations incorporated by Canada or any province or territory in Canada will not require a licence to operate in Ontario. (s. 4 (1))
2. Definition of carrying on business is revised. Non-profit activities are included. (s. 1 (2, 3))
3. Corporations not described in paragraph 1 will continue to require a licence. (s. 4 (2))
4. Procedures are set out for determining whether the name of an extra-provincial corporation is acceptable for use in Ontario. (ss. 9, 10)
5. Provisions respecting agents for service are codified. (s. 19)
6. Penalty provisions are updated. (s. 20)

Bill 103 1983

An Act in respect of Extra-Provincial Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(a) "business" includes undertakings and non-profit activities;

(b) "court" means the High Court of Justice;

(c) "Director" means the Director appointed under section 3;

(d) "endorse" includes imprinting a stamp, in accordance with section 5, on the face of an application sent to the Director;

(e) "extra-provincial corporation" means a corporation, with or without share capital, incorporated or continued otherwise than by or under the authority of an Act of the Legislative Assembly;

(f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;

(g) "Ministry" means the Ministry of the Minister;

(h) "prescribed" means prescribed by the regulations;

(i) "regulations" means the regulations made under this Act;

(j) "send" includes deliver or mail.

Carrying on business in Ontario

(2) For the purposes of this Act, an extra-provincial corporation carries on its business in Ontario if,

(a) it has a resident agent, representative, warehouse, office or place where it carries on its business in Ontario;

(b) it holds an interest, otherwise than by way of security, in real property situate in Ontario; or

(c) it otherwise carries on its business in Ontario.

Idem

(3) An extra-provincial corporation does not carry on its business in Ontario by reason only that,

(a) it takes orders for or buys or sells goods, wares and merchandise; or

(b) offers or sells services of any type,

by use of travellers or through advertising or correspondence.

Classes of extra-provincial corporations

2.—(1) Extra-provincial corporations shall be classified into the following classes:

Class 1. Corporations incorporated or continued by or under the authority of an Act of a legislature of a province of Canada.

Class 2. Corporations incorporated or continued by or under the authority of an Act of the Parliament of Canada including corporations incorporated under an Ordinance of the Yukon or Northwest Territories.

Class 3. Corporations incorporated or continued under the laws of a jurisdiction outside of Canada.

Idem

(2) Corporations incorporated under an Ordinance of the Northwest Territories but governed by the corporation laws of a province are corporations within class 1.

Director

3. There shall be a Director appointed by the Minister who shall perform such duties and have such powers as are assigned to him by this Act.

Where licence not required R.S.O. 1980, c. 96

4.—(1) Subject to this Act, the *Corporations Information Act* and any other Act, an extra-provincial corporation within class 1 or 2 may carry on any of its business in Ontario without obtaining a licence under this Act.

Carrying on business without licence prohibited

(2) No extra-provincial corporation within class 3 shall carry on any of its business in Ontario without a licence under this

Act to do so, and no person acting as representative for or agent for any such extra-provincial corporation shall carry on any of its business in Ontario unless the corporation has a licence under this Act.

Application for licence, etc.

5.—(1) An extra-provincial corporation may make an application for a licence, an amended licence or a termination of licence by sending to the Director two originals of the application signed by a director or officer of the corporation, all other required documents and the prescribed fee.

Where Director endorses

(2) Where the Director receives an application in accordance with subsection (1), he may endorse on each original a licence, amended licence or a termination of the licence, setting out the day, month and year of endorsement and a corporation number and, where he so endorses, he shall,

(a) file one original of the application with the endorsement;

(b) send to the corporation or its representative one original of the application with the endorsement thereon; and

(c) publish notice of the endorsement in *The Ontario Gazette*.

Date of endorsement

(3) An endorsement under subsection (2) may be dated as of the date the Director receives the originals of any application together with all other required documents executed in accordance with this Act and the prescribed fees or as of any later date acceptable to the Director specified by the person who submitted the application.

When endorsement effective

(4) An endorsement under subsection (2) is effective on the date shown thereon notwithstanding that any action required to be taken by the Director under this Act with respect to the endorsement of the application and filing by him is taken at a later date.

Restrictions on licence

(5) The Director may make a licence or an amended licence subject to restrictions on the business of a corporation and to such other limitations or conditions as are specified in the licence or amended licence.

Where endorsement refused

6.—(1) Where the Director refuses to endorse any application required by this Act to be endorsed by him before it becomes effective, he shall give written notice to the person who delivered the application of his refusal, specifying the reasons therefor.

Idem

(2) Where, within six months after an application referred to in subsection 5 (1) has been sent to the Director the Director has not endorsed the application, he shall be deemed for the purposes of section 8 to have refused to endorse it.

Director may cancel licence

7.—(1) Where sufficient cause is shown, the Director, after giving an extra-provincial corporation within class 3 an opportunity to be heard, may by order cancel the licence of the corporation upon such date as is fixed in the order.

Review by Director

(2) If no proceedings have been taken under section 8, the Director may at any time review an order made under subsection (1) and may affirm, revoke or vary any such order if in his opinion it is appropriate to do so.

Interpretation

(3) In this section, "sufficient cause" includes,

(a) failure to pay any prescribed fee;

(b) failure to comply with section 19;

(c) failure to comply with a request under section 5 or a notice under section 8 of the *Corporations Information Act*; and

R.S.O. 1980, c. 96

(d) a conviction of the extra-provincial corporation for an offence under the *Criminal Code* (Canada) or an offence as defined in the *Provincial Offences Act*, in circumstances where cancellation of the licence is in the public interest.

R.S.C. 1970, c. C-34
R.S.O. 1980, c. 400

Appeal

8.—(1) A person aggrieved by a decision of the Director,

(a) to refuse to endorse an application;

(b) to make or refuse to make an order under section 11;

(c) to cancel a licence under section 7 or subsection 12 (2);

(d) to require that a corrected licence be endorsed under section 18; or

(e) to impose conditions on a licence or amended licence,

may appeal to the Divisional Court.

Certification by Director

(2) The Director shall certify to the Registrar of the Divisional Court,

(a) the decision of the Director together with a statement of the reasons therefor;

(b) the record of any hearing; and

(c) other material that is relevant to the appeal.

Director may be heard

(3) The Director is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Court order

(4) Where an appeal is taken under this section, the court may direct the Director to make such decision or do such other act that the Director is empowered to do under this Act, as the court thinks proper, having regard to the material and submissions before it.

Further orders by Director

(5) Notwithstanding an order of the court under subsection (4), the Director has power to make any further decision where he is presented with new material or where there is a material change in the circumstances and every such decision is subject to this section.

Use of other name R.S.O. 1980, c. 96

9. An extra-provincial corporation may, subject to its incorporating instrument, the *Corporations Information Act* and any other Act, use and identify itself in Ontario by a name other than its corporate name and, in the case of an extra-provincial corporation within class 3, may be licensed to use such name.

Where name, etc., likely to deceive

10.—(1) Notwithstanding section 9 and subject to subsection (2), an extra-provincial corporation within class 1 or 3 shall not use or identify itself in Ontario by a name,

(a) that contains a word or expression prohibited by the regulations;

(b) that is the same as or, except where a number name is used, similar to,

(i) the name of a known,

(A) body corporate,

(B) trust,

(C) association,

(D) partnership,

(E) sole proprietorship, or

(F) individual,

whether in existence or not, or

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship or individual carries on its business or identifies itself,

if the use of that name would be likely to deceive; or

(c) that does not meet the requirements prescribed by the regulations.

Exception

(2) An extra-provincial corporation within class 1 or 3 may use or identify itself in Ontario by a name described in clause (1) (b) upon compliance with such conditions as may be prescribed.

Filing material

(3) An extra-provincial corporation to which this section applies shall file with the Director such documents relating to the name or proposed name as may be prescribed.

Where contravention

11.—(1) If an extra-provincial corporation within class 1 or 3, through inadvertence or otherwise, uses or identifies itself by a name contrary to section 10, the Director may, after giving the extra-provincial corporation an opportunity to be heard, order it to cease using the name in Ontario and, where the name is contained in a licence, the Director may order that the corporation apply for an amended licence under a different name within the time specified in the order.

Director may apply for order under s. 14

(2) Where an extra-provincial corporation within class 1 fails to comply with an order made under subsection (1), the Director may apply to the court for an order under section 14.

Director may cancel licence

(3) Where an extra-provincial corporation within class 3 fails to apply for an amended licence pursuant to an order under subsection (1), the Director may cancel the licence.

Where change of name or jurisdiction

12.—(1) An extra-provincial corporation within class 3 shall make application for an amended licence where,

(a) it has changed its name or has been ordered to change its name under section 11; or

(b) it has continued under the laws of another jurisdiction.

Where corporation ceases to carry on business

(2) Where an extra-provincial corporation within class 3 has not carried on any of its business in Ontario for any two consecutive years, the extra-provincial corporation shall make application for termination of its licence or, if it does not do so, the Director, upon giving the corporation an opportunity to be heard, may by order cancel the licence.

Endorsement in error

13.—(1) Where a licence contains an error,

(a) the corporation shall, upon the request of the Director and after being given an opportunity to be heard, return the licence; or

(b) the corporation may apply to the Director for a corrected licence and, after such resolutions are passed and other steps taken as the Director may require, return the licence,

and the Director may endorse a corrected licence.

Date on corrected licence

(2) A corrected licence endorsed under subsection (1) may bear the date of the licence it replaces.

Notice of correction

(3) Where a correction made under subsection (1) is material, the Director shall forthwith give notice of the correction in *The Ontario Gazette*.

Court order

14.—(1) The Director may apply to the court for an order prohibiting an extra-provincial corporation within class 1 from carrying on its business in Ontario or such other order as he may think fit and, where sufficient cause exists, the court may make an order under subsection (2).

Idem

(2) Upon an application under this section, the court may make any interim or final order it thinks fit.

Interpretation

(3) In subsection (1), "sufficient cause" includes,

(a) failure to comply with a request under section 5 or a notice under section 8 of the *Corporations Information Act*; R.S.O. 1980, c. 96

(b) a conviction of the extra-provincial corporation for an offence under the *Criminal Code* (Canada) or an offence as defined in the *Provincial Offences Act*, in circumstances where an order of prohibition is in the public interest; and R.S.C. 1970, c. C-34 R.S.O. 1980, c. 400

(c) failure to comply with an order made under section 11.

Act contrary to licence, etc.

15.—(1) No act in Ontario of an extra-provincial corporation including a transfer of property to or by the extra-provincial corporation is invalid by reason only that the act is contrary to its incorporating instrument, licence or this Act.

Notice not deemed

(2) No person is affected by or is deemed to have knowledge of the contents of a document concerning an extra-provincial corporation by reason only that the document has been filed with the Director.

Certificate

16. The Director shall, upon payment of the prescribed fee, issue a certificate certifying,

(a) as to the endorsement or non-endorsement of a licence for any corporation;

(b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act; or

(c) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as an officer or agent for service of the corporation named in the certificate.

Delegation by Director

17.—(1) The Director may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry.

Signing

(2) Where this Act requires or authorizes the Director to endorse a licence or to certify any fact, the licence or certificate shall be signed by the Director or any other person designated for the purpose by the regulations.

Evidence

(3) A licence or certificate referred to in subsection (2) or a certified copy thereof when introduced as evidence in any civil, criminal or administrative action or proceeding is *prima facie* proof of the facts so certified without personal appearance to prove the signature or official position of the person appearing to have signed the endorsed licence or certificate.

Reproducing signature

(4) For the purposes of subsections (2) and (3), any signature authorized under this section may be printed or otherwise mechanically reproduced.

Verification by affidavit

18.—(1) The Director may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

Evidence under oath

(2) For the purpose of holding a hearing under this Act, the Director may administer oaths to witnesses and require them to give evidence under oath.

Agent for service

19.—(1) Every extra-provincial corporation within class 3 that carries on its business in Ontario shall ensure the continuing appointment, at all times, of an individual, of the age of eighteen years or older, who is resident in Ontario or a corporation having its head office or registered office in Ontario as its agent for service in Ontario on whom service of process, notices or other proceedings may be made and service on the agent shall be deemed to be service on the corporation.

Appointment form

(2) The appointment shall be in the prescribed form and shall accompany the application for a licence.

Revised appointment

(3) Where the name, address or any other particular set out in the appointment of an agent changes or where an agent is substituted, the extra-provincial corporation shall forthwith file a revised appointment in the prescribed form with the Director.

Service by Director

(4) Any matter sent by the Director by prepaid mail,

(a) to an agent referred to in subsection (1) addressed to him at the latest address shown on the records of the Director; or

(b) to the head or registered office of the extra-provincial corporation at the latest address shown on the records of the Director,

shall be deemed to have been served on the extra-provincial corporation on the fifth business day after the day of mailing.

Penalty

20.—(1) Every person who, without reasonable cause,

(a) contravenes this Act or the regulations;

(b) contravenes a condition of a licence; or

(c) fails to observe or comply with an order, direction or other requirement made under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or if such person is a corporation to a fine of not more than $25,000.

Idem

(2) Where an extra-provincial corporation is guilty of an offence under subsection (1), every director or officer of the

corporation and every person acting as its representative in Ontario who authorized, permitted or acquiesced to such offence is also guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Ability to maintain action

21.—(1) An extra-provincial corporation within class 3 that is not in compliance with section 19 or has not obtained a licence when required by this Act is not capable of maintaining any action or any other proceeding in any court in Ontario in respect of any contract made by it.

Correcting default

(2) Where a default referred to in subsection (1) has been corrected, an action or other proceeding may be maintained as if the default had been corrected before the institution of the action or other proceeding.

Effect of licence under R.S.O. 1980, c. 95

22.—(1) Where a licence has been issued to an extra-provincial corporation within class 3 under Part VIII of the *Corporations Act* or a predecessor thereof,

(a) the licence remains in effect and shall be deemed to have been endorsed under this Act;

(b) the powers of the extra-provincial corporation shall be deemed to be restricted as set out in the existing licence; and

(c) the attorney for service previously appointed continues in office and the provisions of this Act with respect to agents for service apply.

Licences cancelled

(2) All extra-provincial licences issued under Part VIII of the *Corporations Act* or a predecessor thereof, except licences referred to in subsection (1), are cancelled on the day this section comes into force.

References in other Acts

23.—(1) In any other Act, unless the context otherwise requires,

(a) a reference to an extra-provincial corporation is deemed to be a reference to an extra-provincial corporation under this Act; and

(b) a reference to an extra-provincial corporation that is licensed or required to be licensed under Part VIII of the *Corporations Act* means an extra-provincial corporation within class 1 or 3.

Where deemed to have licence

(2) Where a corporation within class 1 or 2 would enjoy an exemption or a benefit under another Act if it had an extra-pro-

vincial licence, the corporation shall be deemed to have a licence for the purpose of the other Act.

Regulations

24. The Lieutenant Governor in Council may make regulations respecting any matter he considers necessary for the purposes of this Act, including, without limiting the generality of the foregoing, regulations,

(a) requiring the payment of fees for any matter that the Director is required or authorized to do under this Act and prescribing the amounts thereof;

(b) prescribing forms for use under this Act and providing for their use;

(c) designating officers of the Ministry for the purposes of endorsing licences and issuing certificates as to any fact or certifying true copies of documents required or authorized under this Act;

(d) respecting names of extra-provincial corporations or classes thereof;

(e) prohibiting the use of any words or expressions in a corporate name;

(f) defining any word or expression used in clause 10 (1) (b);

(g) prescribing requirements for the purposes of clause 10 (1) (c);

(h) prescribing conditions for the purposes of subsection 10 (2);

(i) prescribing the documents relating to names to be filed with the Director under subsection 10 (3);

(j) respecting the evidence required upon the application for a licence under this Act including evidence as to the incorporation of the extra-provincial corporation, its powers, objects and existence as a valid and subsisting corporation;

(k) respecting the appointment and continuance by extra-provincial corporations of an agent for service on whom service or process notices or other proceedings may be made and the powers to be conferred on such agent;

(l) prescribing the conditions and limitations that may be specified in licences;

(m) prescribing classes of extra-provincial corporations and exempting any extra-provincial corporation or class of extra-provincial corporation from all or any part of the provisions of this Act upon such terms and conditions, if any, as may be prescribed;

(n) prescribing any matter required by this Act to be prescribed.

Repeal

25. Part VIII of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

26. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

27. The short title of this Act is the *Extra-Provincial Corporations Act, 1983*.

Bill 104

An Act to amend the Power Corporation Act

Mr. Peterson

1st Reading October 31st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to require the approval of the Legislature for borrowing by Ontario Hydro, for borrowing by the Government of Ontario on Hydro's behalf and for Government of Ontario guarantees of Hydro bonds.

Bill 104 1983

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 47, amended

1. Section 47 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding at the commencement thereof "Subject to the approval of the Legislature".

s. 51 (1), amended

2.—(1) Subsection 51 (1) of the said Act is amended by striking out "Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "Legislature".

s. 51 (2), amended

(2) Subsection 51 (2) of the said Act is amended by striking out " Lieutenant Governor in Council" in the second line and in the ninth line and inserting in lieu thereof in each instance "Legislature".

s. 53 (1), amended

3. Subsection 53 (1) of the said Act is amended by striking out "The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council" in the first and second lines and inserting in lieu thereof "The Legislature may authorize the Lieutenant Governor in Council".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Power Corporation Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 105

An Act to amend the Power Corporation Act

Mr. Conway

1st Reading October 31st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would require the approval of the Legislature, after a hearing by one of its committees, for the appointment or reappointment of the chairman of Ontario Hydro.

Bill 105 1983

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (2) of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 3 (2), re-enacted

(2) The chairman shall be appointed, subject to the approval of the Legislature, by the Lieutenant Governor in Council to hold office for a term not exceeding five years, and may be reappointed in the same manner for further successive terms not exceeding five years each. Chairman

(2a) Where the Minister proposes a candidate for appointment or reappointment as chairman to the Legislature for its approval, the matter shall be referred to a standing or select committee of the Legislature for its consideration and report. Confirmation hearing by committee

(2b) Where the chairman's term expires while the Legislature is not in session, the chairman may hold office until a day ninety days after the first day of the next ensuing session. Where Legislature not in session

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Power Corporation Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 106

An Act to amend the District Municipality of Muskoka Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The proposed amendments to section 15 of the Act delete obsolete references to sections 63 and 64 of the *Municipal Act* which were repealed by the *Municipal Conflict of Interest Act, 1983*.

SECTION 2. Section 17 of the Act requires the District clerk to supply copies of municipal documents. Under the Act, as it now reads, the clerk must charge a rate of 15 cents for each 100 words or such lower rate as the District Council may fix. The amendment will give the District the same flexibility as local and county municipalities and The Regional Municipality of Ottawa-Carleton have with respect to charging fees for photocopying.

SECTION 3. The proposed amendment to subsection 24 (14) of the Act clarifies that the District Corporation will have a lien on the property of persons who fail to pay public utility bills owed to the District Corporation.

SECTION 4. Until 1982, the District Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, the Act was amended and the provisions related to reserves was deleted. The re-enactment of subsection 73 (2) restores the requirement to provide for reserves but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

SECTION 5. Subsection 88 (22) and clause 88 (45) (b) of the Act relate to sinking and term debentures respectively. When a sinking fund debenture or term debenture is issued by the District Corporation, a fund is set up into which a certain amount of money is deposited each year. These funds plus the accumulated interest are available to pay off the debt when it matures. The interest accumulation rate is the actuarial rate which governs the minimum principal deposit each year to the fund. The proposed amendments will increase the rate from 5 per cent to 8 per cent. This higher rate reflects the actual or potential earnings capacity of sinking funds, given the current level of interest rates.

SECTION 6.—Subsection 1. Sections 104a and 128 are added as sections of the *Municipal Act* that apply to the District. Section 104a clarifies the ability of Ontario municipalities to enact enforceable bilingual by-laws and to conduct their proceedings in English or French or English and French. Section 128 permits a municipal council to hold meetings outside of the municipality during times of war, invasion or insurrection and to acquire property for that purpose.

Subsection 2. Subsection 108 (2) of the Act now reads as follows:

(2) Sections 10 and 11, and, subject to subsection 2 (2), subsection 14 (2) of the Municipal Act do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

It is proposed that the underlined words be deleted. The alteration of the boundaries of area municipalities is now provided for in the *Municipal Boundary Negotiations Act, 1981* and therefore the underlined words are no longer appropriate.

SECTION 7. Section 109 authorized the District Corporation to establish an emergency measures civil defence organization and provide funding therefor. Because of the enactment of the *Emergency Plans Act, 1983* the section is now obsolete and it is proposed that the section be repealed.

SECTION 8. The reference to section 35 of the *Assessment Act* in the present subsection 116 (1) of the Act is incorrect. The proposed amendment corrects the error.

Bill 106 1983

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 15 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 15 (1), amended

(2) Subsection 15 (2) of the said Act is amended by striking out "64" in the first line. s. 15 (2), amended

2. Subsection 17 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the District Council may by by-law establish". s. 17 (1), amended

3. Subsection 24 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies". s. 24 (14), amended

4. Subsection 73 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 9, is repealed and the following substituted therefor: s. 73 (2), re-enacted

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the District Council considers necessary. Allowances to be made in estimates

5.—(1) Subsection 88 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 88 (22), amended

s. 88 (45) (b), amended

(2) Clause 88 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

s. 108 (1), re-enacted

6.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 12, is repealed and the following substituted therefor:

Application of R.S.O.1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 104a, 105, 106, 113, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

s. 108 (2), re-enacted

(2) Subsection 108 (2) of the said Act is repealed and the following substituted therefor:

Exceptions R.S.O.1980, c. 302

(2) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality.

s. 109, repealed

7. Section 109 of the said Act is repealed.

s. 116 (1), amended

8. Subsection 116 (1) of the said Act is amended by striking out "35" in the second line and inserting in lieu thereof "26".

Commencement

9.—(1) This Act, except sections 2 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

10. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1983*.

Bill 106

An Act to amend the District Municipality of Muskoka Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The proposed amendments to section 15 of the Act delete obsolete references to sections 63 and 64 of the *Municipal Act* which were repealed by the *Municipal Conflict of Interest Act, 1983.*

SECTION 2. Section 17 of the Act requires the District clerk to supply copies of municipal documents. Under the Act, as it now reads, the clerk must charge a rate of 15 cents for each 100 words or such lower rate as the District Council may fix. The amendment will give the District the same flexibility as local and county municipalities and The Regional Municipality of Ottawa-Carleton have with respect to charging fees for photocopying.

SECTION 3. The proposed amendment to subsection 24 (14) of the Act clarifies that the District Corporation will have a lien on the property of persons who fail to pay public utility bills owed to the District Corporation.

SECTION 4. Until 1982, the District Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, the Act was amended and the provisions related to reserves was deleted. The re-enactment of subsection 73 (2) restores the requirement to provide for reserves but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

SECTION 5. Subsection 88 (22) and clause 88 (45) (b) of the Act relate to sinking and term debentures respectively. When a sinking fund debenture or term debenture is issued by the District Corporation, a fund is set up into which a certain amount of money is deposited each year. These funds plus the accumulated interest are available to pay off the debt when it matures. The interest accumulation rate is the actuarial rate which governs the minimum principal deposit each year to the fund. The proposed amendments will increase the rate from 5 per cent to 8 per cent. This higher rate reflects the actual or potential earnings capacity of sinking funds, given the current level of interest rates.

SECTION 6.—Subsection 1. Sections 104a and 128 are added as sections of the *Municipal Act* that apply to the District. Section 104a clarifies the ability of Ontario municipalities to enact enforceable bilingual by-laws and to conduct their proceedings in English or French or English and French. Section 128 permits a municipal council to hold meetings outside of the municipality during times of war, invasion or insurrection and to acquire property for that purpose.

Subsection 2. Subsection 108 (2) of the Act now reads as follows:

(2) Sections 10 and 11, and, subject to subsection 2 (2), subsection 14 (2) of the Municipal Act do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

It is proposed that the underlined words be deleted. The alteration of the boundaries of area municipalities is now provided for in the *Municipal Boundary Negotiations Act, 1981* and therefore the underlined words are no longer appropriate.

SECTION 7. Section 109 authorized the District Corporation to establish an emergency measures civil defence organization and provide funding therefor. Because of the enactment of the *Emergency Plans Act, 1983* the section is now obsolete and it is proposed that the section be repealed.

SECTION 8. The reference to section 35 of the *Assessment Act* in the present subsection 116 (1) of the Act is incorrect. The proposed amendment corrects the error.

Bill 106 1983

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 15 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 15 (1), amended

(2) Subsection 15 (2) of the said Act is amended by striking out "64" in the first line. s. 15 (2), amended

2. Subsection 17 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the District Council may by by-law establish". s. 17 (1), amended

3. Subsection 24 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies". s. 24 (14), amended

4. Subsection 73 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 9, is repealed and the following substituted therefor: s. 73 (2), re-enacted

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the District Council considers necessary. Allowances to be made in estimates

5.—(1) Subsection 88 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 88 (22), amended

s. 88 (45) (b), amended

(2) Clause 88 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

s. 108 (1), re-enacted

6.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 12, is repealed and the following substituted therefor:

Application of R.S.O.1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 104a, 105, 106, 113, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

s. 108 (2), re-enacted

(2) Subsection 108 (2) of the said Act is repealed and the following substituted therefor:

Exceptions R.S.O.1980, c. 302

(2) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality.

s. 109, repealed

7. Section 109 of the said Act is repealed.

s. 116 (1), amended

8. Subsection 116 (1) of the said Act is amended by striking out "35" in the second line and inserting in lieu thereof "26".

Commencement

9.—(1) This Act, except sections 2 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

10. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 106

(Chapter 65
Statutes of Ontario, 1983)

An Act to amend the District Municipality of Muskoka Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	November 1st, 1983
2nd Reading	November 22nd, 1983
3rd Reading	November 29th, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 106 1983

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 15 (1), amended

1.—(1) Subsection 15 (1) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 15 (2), amended

(2) Subsection 15 (2) of the said Act is amended by striking out "64" in the first line.

s. 17 (1), amended

2. Subsection 17 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the District Council may by by-law establish".

s. 24 (14), amended

3. Subsection 24 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 73 (2), re-enacted

4. Subsection 73 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 9, is repealed and the following substituted therefor:

Allowances to be made in estimates

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the District Council considers necessary.

s. 88 (22), amended

5.—(1) Subsection 88 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 88 (45) (b), amended

(2) Clause 88 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

s. 108 (1), re-enacted

6.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 5, section 12, is repealed and the following substituted therefor:

Application of R.S.O.1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 104a, 105, 106, 113, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

s. 108 (2), re-enacted

(2) Subsection 108 (2) of the said Act is repealed and the following substituted therefor:

Exceptions R.S.O.1980, c. 302

(2) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality.

s. 109, repealed

7. Section 109 of the said Act is repealed.

s. 116 (1), amended

8. Subsection 116 (1) of the said Act is amended by striking out "35" in the second line and inserting in lieu thereof "26".

Commencement

9.—(1) This Act, except sections 2 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

10. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 107

An Act to amend the County of Oxford Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Subsection 8 (2) of the Act provides for a two year term for the County Council. The provision is now obsolete.

SECTION 2. The proposed amendments to section 18 of the Act delete obsolete references to sections 63 and 64 of the *Municipal Act* which were repealed by the *Municipal Conflict of Interest Act, 1983.*

SECTION 3. Section 20 of the Act requires the County clerk to supply copies of municipal documents. Under the Act, as it now reads, the clerk must charge a rate of 15 cents for each 100 words or such lower rate as the County Council may fix. The amendment will give the County the same flexibility as local and county municipalities and The Regional Municipality of Ottawa-Carleton have with respect to charging fees for photocopying.

SECTION 4. Until 1982, the County Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, the Act was amended and the provisions related to reserves was deleted. The re-enactment of subsection 73 (2) restores the requirement to provide for reserves but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

SECTION 5. Subsection 98 (22) and clause 98 (45) (b) of the Act relate to sinking and term debentures respectively. When a sinking fund debenture or term debenture is issued by the County, a fund is set up into which a certain amount of money is deposited each year. These funds plus the accumulated interest are available to pay off the debt when it matures. The interest accumulation rate is the actuarial rate which governs the minimum principal deposit each year to the fund. The proposed amendments will increase the rate from 5 per cent to 8 per cent. This higher rate reflects the actual or potential earnings capacity of sinking funds, given the current level of interest rates.

SECTION 6.—Subsection 1. Sections 104a and 128 are added as sections of the *Municipal Act* that apply to the County. Section 104a clarifies the ability of Ontario municipalities to enact enforceable bilingual by-laws and to conduct their proceedings in English or French or English and French. Section 128 permits a municipal council to hold meetings outside of the municipality during times of war, invasion or insurrection and to acquire property for that purpose.

Subsection 2. Subsection 117 (2) of the Act now reads as follows:

(2) Sections 10 and 11 and, subject to subsection 2 (5), subsection 14 (2) of the Municipal Act do not apply to any area municipality except in relation to alterations of boundaries of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

It is proposed that the underlined words be deleted. The alteration of the boundaries of area municipalities is now provided for in the *Municipal Boundary Negotiations Act, 1981* and therefore the underlined words are no longer appropriate.

SECTION 7. Section 118 authorized the County to establish an emergency measures civil defence organization and provide funding therefor. Because of the enactment of the *Emergency Plans Act, 1983* the section is now obsolete and it is proposed that the section be repealed.

Bill 107 1983

An Act to amend the County of Oxford Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 (2) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed. s. 8 (2), repealed

2.—(1) Subsection 18 (1) of the said Act is amended by striking out "63" in the first line. s. 18 (1), amended

(2) Subsection 18 (2) of the said Act is amended by striking out "64" in the first line. s. 18 (2), amended

3. Subsection 20 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix" in the ninth and tenth lines and inserting in lieu thereof "at such rate as the County Council may by by-law establish". s. 20 (1), amended

4. Subsection 85 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 6, is repealed and the following substituted therefor: s. 85 (2), re-enacted

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the County Council considers necessary. Allowances to be made in estimates

5.—(1) Subsection 98 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 98 (22), amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 98 (45) (b), amended

6.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 10, is repealed and the following substituted therefor: s. 117 (1), re-enacted

Application of R.S.O.1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3) and section 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County.

s. 117 (2), re-enacted

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

Exceptions R.S.O.1980, c. 302

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 118, repealed

7. Section 118 of the said Act is repealed.

Commencement

8.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. The short title of this Act is the *County of Oxford Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 107

(Chapter 66
Statutes of Ontario, 1983)

An Act to amend the County of Oxford Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	November 1st, 1983
2nd Reading	November 22nd, 1983
3rd Reading	November 29th, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 107 1983

An Act to amend the County of Oxford Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 (2) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed. s. 8 (2), repealed

2.—(1) Subsection 18 (1) of the said Act is amended by striking out "63" in the first line. s. 18 (1), amended

(2) Subsection 18 (2) of the said Act is amended by striking out "64" in the first line. s. 18 (2), amended

3. Subsection 20 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix" in the ninth and tenth lines and inserting in lieu thereof "at such rate as the County Council may by by-law establish". s. 20 (1), amended

4. Subsection 85 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 6, is repealed and the following substituted therefor: s. 85 (2), re-enacted

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the County Council considers necessary. Allowances to be made in estimates

5.—(1) Subsection 98 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 98 (22), amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 98 (45) (b), amended

6.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 25, section 10, is repealed and the following substituted therefor: s. 117 (1), re-enacted

Application of R.S.O.1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3) and section 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County.

s. 117 (2), re-enacted

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

Exceptions R.S.O.1980, c. 302

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 118, repealed

7. Section 118 of the said Act is repealed.

Commencement

8.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of March, 1984.

Idem

(3) Section 4 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. The short title of this Act is the *County of Oxford Amendment Act, 1983*.

Bill 108

An Act to provide for Affirmative Action and Equal Pay for Work of Equal Value

Mr. Rae

1st Reading November 1st, 1983

2nd Reading

3rd Reading

Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill would require that all employers with more than twenty employees (unless exempted by regulation) establish joint committees of workers and managers, to prepare affirmative action programs which would become binding upon the employer when approved by the Director of the Affirmative Action Office or by the Affirmative Action Tribunal. The Minister of Labour could, by order, extend the same requirement to individual employers with twenty or fewer employees. All employers would be required to file reports at intervals concerning matters relating to the participation of women in their work forces.

Failure to establish a joint committee or comply with a binding affirmative action program would lead to a compliance order by the Director or by the Tribunal. Failure to comply with such an order would constitute an offence punishable by a maximum fine of $10,000 ($25,000 in the case of a corporation). Higher fines could be imposed on subsequent convictions.

The Affirmative Action Office is intended to assist joint committees in the preparation of affirmative action programs, to analyze the programs for the Director, to monitor their implementation, to identify occupational categories in which women are now under-represented, including new occupations, to provide research, support and public educational services and generally to promote affirmative action.

The Bill provides for a comprehensive skills training, retraining and apprenticeship program, designed to increase to at least 50 per cent the numbers of women in occupational categories in which they are now under-represented.

The Bill also contains an amendment to the *Employment Standards Act* that would repeal Part IX of the Act (Equal Pay for Equal Work) and substitute, instead, a new Part entitled "Equal Pay for Work of Equal Value".

The new Part IX requires an employer to pay his or her male and female employees equal amounts for work of equal value. An assessment of the value of work may be made by an employment standards officer, and the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed. The reduction of wages to achieve compliance is prohibited. Employees and employee organizations are entitled to make complaints and are given appeal rights that correspond to those available to employers.

Bill 108 1983

An Act to provide for Affirmative Action and Equal Pay for Work of Equal Value

Preamble

WHEREAS unequal and discriminatory conditions of employment for women impose a burden both on the women directly affected and on the larger community;

AND WHEREAS women's average employment earnings in Ontario are lower than those of men and women's right to participate fully in the labour force is severely limited by barriers such as the lack of adequate universally accessible child care and other support services;

AND WHEREAS it is public policy in Ontario to promote the economic equality of all working people;

AND WHEREAS the Legislative Assembly has endorsed the principle of equal pay for work of equal value;

AND WHEREAS it is public policy in Ontario to improve women's access to new occupations and to occupations in which they have traditionally been under-represented;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "affirmative action" means action intended to improve the economic status of women and overcome barriers to their equal participation in the work force;

(b) "affirmative action program" means a program prepared under subsection 8 (1);

(c) "Director" means the Director of the Affirmative Action Office;

R.S.O. 1980, c. 137

(d) "employee" and "employer" have the same meanings as in the *Employment Standards Act*;

(e) "joint committee" means a committee established under subsection 7 (1) or (2);

(f) "Minister" means the Minister of Labour;

(g) "Ministry" means the Ministry of Labour;

(h) "prescribed" means prescribed by the regulations;

(i) "regulations" means the regulations made under this Act;

(j) "Tribunal" means the Affirmative Action Tribunal.

Administration

2. The Minister is responsible for the administration of this Act.

Affirmative Action Office

3. There shall be an office in the Ministry of Labour to be called the Affirmative Action Office, and the Affirmative Action Office shall,

(a) assist joint committees, on their request, in the preparation of affirmative action programs;

(b) receive and analyze affirmative action programs and make recommendations to the Director respecting their approval;

(c) monitor the implementation of affirmative action programs;

(d) conduct research into matters relating to the participation of women in the work force; and

(e) promote affirmative action by programs of public education and other means.

Director

4. There shall be a Director of the Affirmative Action Office, and the Director shall perform the duties and exercise the powers given to the Director under this or any other Act.

Affirmative Action Tribunal

5.—(1) There shall be a tribunal to be known as the Affirmative Action Tribunal, composed of,

(a) two representatives of labour;

(b) two representatives of business; and

(c) one member of the Ontario Human Rights Commission,

at least two of whom shall be women and who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Tribunal shall hold the hearings and perform the other duties that are assigned to it under this Act.

Chairperson

(3) The member of the Tribunal who is a member of the Ontario Human Rights Commission shall be the chairperson of the Tribunal.

Vice-chairperson

(4) The members of the Tribunal shall elect one or more of their number as vice-chairperson or vice-chairpersons.

Quorum

(5) Three members of the Tribunal, one of whom shall be the chairperson or vice-chairperson, constitute a quorum and may exercise all the powers of the Tribunal despite any vacancy in the membership.

Duties

(6) The chairperson shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as the circumstances require.

Publishing reports

(7) The Tribunal shall prepare and annually publish a summary of its decisions and the reasons therefor.

Registrar of the Tribunal

(8) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform the duties that are assigned to him or her under this Act or by the chairperson of the Tribunal.

Administration of oaths

(9) The Registrar of the Tribunal and every member of the Tribunal has power to administer oaths and affirmations for the purpose of its proceedings.

Employers to report re participation of women, etc.

6. Every employer shall provide to the Affirmative Action Office, at the prescribed intervals, such information relating to employment practices, rates of pay, occupational categories and numbers of men and women in those categories, recruitment, promotion and other related matters as is prescribed.

Joint committee

7.—(1) Every employer who employs more than twenty employees shall establish and maintain a joint committee consisting of at least four persons, of whom at least half shall be employees who do not exercise managerial functions and shall be selected by the employees they are to represent or, where

there is a trade union or trade unions representing the employees, by the trade union or trade unions.

Minister's order

(2) The Minister may, by order in writing, require an employer who does not employ more than twenty employees to establish and maintain a joint committee and may, in the order, provide for the composition, practice and procedure of the committee.

Women to be represented

(3) A proportion of the employees' representatives on a joint committee shall be women and the proportion shall be at least equivalent to the proportion of women in the workplace.

Sub-committees

(4) An employer may establish subcommittees of the joint committee for different departments or divisions of the employer's business.

Entitlement to time from work

(5) A member of a joint committee or subcommittee is entitled to such time from his or her work as is necessary to attend meetings of the committee and to carry out his or her duties under subsection 8 (1), and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at his or her regular or premium rate as may be proper.

Affirmative action program

8.—(1) A joint committee shall, within six months of the day on which it is established or within such longer period as the Director authorizes, prepare a program to remedy discriminatory practices and encourage the recruitment and training of women by the employer, and the program,

(a) shall set targets with timetables for the employment of women in all the employer's occupational categories;

(b) shall provide for regular review by the joint committee of the progress made in the achievement of targets set under clause (a);

(c) may provide, at the employer's expense, for employee upgrading programs, employee training programs, child care assistance or subsidies and other support services to encourage the full participation of women in the employer's workforce; and

(d) shall provide for equal pay for work of equal value.

Employer to share information with joint committee

(2) The employer shall furnish the joint committee with the information provided to the Affirmative Action Office under section 6, and shall also give the joint committee full access, on

a confidential basis, to the employer's employee records and records relating to recruitment, pay and promotion.

Assistance by Affirmative Action Office

(3) A joint committee may request the assistance of the Affirmative Action Office in preparing an affirmative action program.

Director to approve affirmative action program

9.—(1) An affirmative action program prepared under subsection 8 (1) shall be submitted to the Director for approval.

Powers of Director

(2) On receiving an affirmative action program for approval, the Director shall by order,

(a) approve the affirmative action program;

(b) approve the affirmative action program subject to modifications; or

(c) refer the affirmative action program back to the joint committee for modification and resubmission within a specified time.

Appeal to Tribunal

(3) A joint committee may appeal to the Tribunal from an order made by the Director under clause (2) (b) or (c) within thirty days from the date of the order.

Hearing and order

(4) Where an order is appealed under subsection (3), the Tribunal shall appoint a time for and hold a hearing into the matter and may,

(a) confirm the Director's order;

(b) approve the affirmative action program; or

(c) approve the affirmative action program subject to modifications.

Application to Tribunal where joint committee cannot agree

10.—(1) Where a joint committee cannot agree upon the terms of an affirmative action program, the employees' representatives, the employer's representatives or the joint committee as a whole shall apply to the Tribunal for an order fixing the terms of and approving the affirmative action program or fixing certain terms of the affirmative action program.

Hearing and order

(2) Where an application is made under subsection (1), the Tribunal shall appoint a time for and hold a hearing into the matter and may,

(a) fix the terms of and approve the affirmative action program; or

(b) fix certain terms of the affirmative action program and refer it back to the joint committee for completion and submission to the Director within a specified time.

When affirmative action program takes effect

11.—(1) An affirmative action program is binding upon an employer,

(a) when the Director or the Tribunal approves it; or

(b) when the Director or the Tribunal approves it, subject to modifications.

Final version to be filed

(2) Where an affirmative action program is approved with or without modifications, a copy of the final version shall be filed with the Director.

Binding affirmative action program deemed special program 1981, c. 53

(3) A binding affirmative action program shall be deemed to be a special program that satisfies the requirements of subsection 13 (1) of the *Human Rights Code, 1981*.

Complaint by individual or group

12.—(1) An individual, group of individuals or employees' organization may make a complaint to the Director respecting the employer's alleged failure to comply with subsection 7 (1) or with a binding affirmative action program.

Order to comply

(2) Where the Director believes on reasonable and probable grounds that an employer has failed to comply with section 6 or subsection 7 (1), or with an order made by the Minister under subsection 7 (2), or is failing to comply with a binding affirmative action program, the Director may order the employer to comply with section 6, subsection 7 (1), the Minister's order or the affirmative action program, as the case may be.

Notice of proposal

(3) Where the Director proposes to make an order under subsection (2), the Director shall serve notice of the proposed order on the employer and on the individual or one of the individuals, or the organization, if any, who made a complaint, or, where there was no complaint, on a representative of the employees, together with written reasons therefor.

Request for hearing

(4) A notice under subsection (3) shall inform the employer named in the order that the employer is entitled to a hearing by the Tribunal if the employer mails or delivers to the Director and the Tribunal, within fifteen days after the notice under sub-

section (3) is served on him or her, notice in writing requiring a hearing.

Failure to request hearing

(5) Where the employer upon whom a notice is served under subsection (3) does not require a hearing, the Director may carry out the proposed order described in the notice.

Hearing

(6) Where an employer requests a hearing by the Tribunal in accordance with subsection (4), the Tribunal shall appoint a time for and hold the hearing and may by order direct the Director to carry out the proposed order or to take such action as the Tribunal considers the Director ought to take in accordance with this Act and for the purpose the Tribunal may substitute its opinion for that of the Director.

Idem

(7) The individuals or organization, if any, who made a complaint under subsection (1), or, where there was no complaint, the representative of the employees on whom notice of the proposed order was served under subsection (3), are entitled to attend the hearing and make representations to the Tribunal.

Conditions

(8) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.

Existing rights preserved

(9) The rights conferred by subsection (1) are in addition to and not in substitution for rights under any other Act.

Investigations on Minister's order

13.—(1) The Minister may by order appoint a person to make an investigation into any matter to which this Act applies, as specified in the Minister's order, and the person appointed shall report the result of the investigation to the Minister.

Powers of investigator

(2) For the purposes of an investigation ordered under subsection (1), the person making it has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

R.S.O. 1980, c. 411

Offences

14.—(1) Every person who, knowingly,

(a) provides false information or fails to provide information under section 6;

(b) furnishes false information in an investigation under this Act;

(c) fails to comply with an order of the Director or of the Tribunal made under this Act; or

(d) obstructs a person making an investigation under section 12,

is guilty of an offence and on conviction is liable to a fine, upon a first conviction, of not more than $10,000, and upon a subsequent conviction, of not more than $20,000.

Corporations

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed upon the corporation is, upon a first conviction, $25,000, and upon a subsequent conviction, $50,000.

Directors and officers

(3) Where a corporation is convicted under subsection (1), each director or officer of the corporation who authorized, permitted or acquiesced in the offence is a party to the offence.

Failure to comply with Act; government contracts

15.—(1) It shall be deemed to be a condition of every contract entered into by or on behalf of the Crown or any of its agencies and of every subcontract entered into in the performance thereof that this Act will be complied with in the course of performing the contract.

Government grants and loans

(2) It shall be deemed to be a condition of every grant, contribution, loan or guarantee made by or on behalf of the Crown or any of its agencies thereof that this Act will be complied with in the course of carrying out the purposes for which the grant, contribution, loan or guarantee was made.

Sanctions

(3) Where a person is convicted of an offence under subsection 14 (1) and the offence constitutes a breach of a condition under this section, the breach of condition is sufficient grounds for cancellation of the contract, grant, contribution, loan or guarantee.

Identification of occupational categories

16.—(1) The Affirmative Action Office shall identify, on the basis of information reported under section 6 and on the basis of its own research, those occupational categories, including new occupations, in which women are under-represented.

Comprehensive skills training and apprenticeship plan

(2) The Government of Ontario shall develop a comprehensive skills training, retraining and apprenticeship program designed to increase the number of women in each of the occupations and occupational categories identified under subsection (1) to at least 50 per cent and to ensure that sufficient numbers of women are trained to meet this goal in light of anticipated needs for skilled tradespersons.

Skills training and affirmative action fund

(3) The Government of Ontario may direct that any fund established under clause 17 (e) be devoted to,

(a) training and upgrading allowances for employees;

(b) child care subsidies for persons involved in apprenticeship or other job training programs;

(c) the provision of counsellors familiar with the special needs of women in the workforce and the barriers to their full participation in the workforce; or

(d) any similar purpose intended to promote affirmative action.

Annual report

(4) The Affirmative Action Office shall, after the close of each year, file with the Minister an annual report upon the skills training, retraining and apprenticeship program and the implementation of affirmative action programs.

Idem

(5) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

17. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

(b) exempting any class of employer from this Act or any provision of this Act;

(c) prescribing the information to be provided under section 6 and prescribing the intervals at which the information is to be provided;

(d) exempting contracts, grants, contributions, loans or guarantees of a value below a prescribed monetary level from section 15, and prescribing the level;

(e) requiring employers or any class of employers to contribute to a skills training and affirmative action fund or funds.

R.S.O. 1980, c. 137, Part IX (s. 33), re-enacted

18. Part IX of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

PART IX

EQUAL PAY FOR WORK OF EQUAL VALUE

Equal pay for work of equal value

33.—(1) No employer or person acting on behalf of an employer shall establish or maintain any difference in wages paid to a male and to a female employee employed in the same establishment who are performing work of equal value unless the difference is based on seniority or quantity of production.

Determination by employment standards officer

(2) An employment standards officer may assess the value of work performed for the purposes of subsection (1) and, where the officer finds that an employer has failed to comply with subsection (1), the officer may determine the amount of money owing to an employee because of the non-compliance, including any expenses incurred by the employee in enforcing subsection (1), and the amount shall be deemed to be unpaid wages.

Assessment of value of work

(3) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.

Separate establishments

(4) Separate establishments established or maintained by an employer solely or principally for the purposes of establishing or maintaining differences in wages between male and female employees shall be deemed for the purposes of this Part to be a single establishment.

Pay not to be reduced

(5) No employer shall reduce the rate of pay of an employee in order to comply with subsection (1).

Employer not to be requested to contravene subs. (1)

(6) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his or her employees wages that are in contravention of subsection (1).

Complaints

(7) A complaint that an employer contravenes this section may be made by an employee, a class of employees employed in the same establishment or an employees' organization.

Review and hearing

(8) An employer, employee or class of employees that is aggrieved by a decision or order made by an employment standards officer under this Part or section 47 may, within a period of fifteen days after the date of delivery, service or notice of the decision or order, or such longer period as the Director may for special reasons allow, apply for a review of the decision or order by way of a hearing before a referee and subsections

50 (2) to (7) apply to the review, with necessary modifications, except that the referee has the power to make an order under section 47 in addition to the powers conferred by section 50.

Annual report

(9) The Minister shall table a report annually in the Legislature on the progress of compliance with this Part and the annual reports shall be referred to a standing or special committee of the Legislature every three years.

Crown bound

19. This Act binds the Crown and its agencies.

Commencement

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

21. The short title of this Act is the *Women's Economic Equality Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 109

An Act to amend the Power Corporation Act

Mr. Di Santo

1st Reading November 3rd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

Self-explanatory.

Bill 109 1983

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 3, amended

(3a) The Assembly shall establish a Standing Committee for the purpose of reviewing all aspects of the performance and policies of the Corporation on an ongoing basis. Standing Committee

(3b) One of the directors appointed under subsection (3) shall be appointed or reappointed only on the recommendation of the Standing Committee established under subsection (3a), and such director shall hold office for a term of one year. One director to be appointed on recommendation of Standing Committee

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Power Corporation Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 110

An Act respecting the Compensation of Certain Employees at Sensenbrenner Hospital in Kapuskasing

Mr. Peterson

1st Reading November 4th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of this Bill is to override a recent decision of the Inflation Restraint Board requiring certain employees of Sensenbrenner Hospital in Kapuskasing to pay back increases in compensation received under an arbitration award that was made in October of 1982.

Under section 1, no employee will be required to pay back any increase in compensation so received and no employee shall have any compensation withheld as a result of the Board's decision.

Under section 2, the compensation plan of employees of the Hospital, will be deemed to be a plan that was in existence on the 21st day of September, 1982 and that expires on or after the 1st day of October, 1982 for the purposes of the *Inflation Restraint Act, 1982*. The section will have the effect of establishing the entry date of the employees into the restraint program.

Bill 110 **1983**

An Act respecting the Compensation of Certain Employees at Sensenbrenner Hospital in Kapuskasing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Compensation of employees of Sensenbrenner Hospital 1982, c. 55

1. Notwithstanding any decision of the Inflation Restraint Board under the *Inflation Restraint Act, 1982*,

(a) no employee of Sensenbrenner Hospital in Kapuskasing shall be required to pay back any increase in compensation that did not comply with that Act with respect to increases in compensation received as a result of any award made before the 1st day of November, 1982 by an arbitration board; and

(b) no compensation shall be withheld from any such employee where the compensation arises as a result of any award made before the 1st day of November, 1982 by an arbitration board,

and, where any compensation has been paid back by or withheld from any such employee before this Act comes into force, the administrator, as defined in Part II of the *Inflation Restraint Act, 1982*, shall forthwith reimburse the employee therefor.

Application of 1982, c. 55

2.—(1) For the purposes of the *Inflation Restraint Act, 1982*, the compensation plan of the employees of Sensenbrenner Hospital in Kapuskasing, as the plan existed after the incorporation into the plan of awards made before the 1st day of November, 1982, by an arbitration board, shall be deemed to be a compensation plan that was in existence on the 21st day of September, 1982 to which Part II of that Act applies and that expires on or after the 1st day of October, 1982.

Limitation

(2) Subsection (1) applies only to the compensation plan of those employees who received an increase in compensation as

result of an award made before the 1st day of November, 1982 by an arbitration board.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Sensenbrenner Hospital Employees Compensation Act, 1983*.

Bill 111

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

The Hon. L. Grossman

Treasurer of Ontario and Minister of Economics

1st Reading November 8th, 1983

2nd Reading

3rd Reading

Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The purpose of the Bill is to provide for the assessment and review of compensation and prices in the public sector of Ontario's economy, and for an orderly transition to the resumption in the public sector of full collective bargaining following the final year in which increases in compensation are controlled by the *Inflation Restraint Act, 1982*.

The Bill defines the twelve months following the end of the "5 per cent year" under the *Inflation Restraint Act, 1982* or the end of a collective agreement that expires before October 1, 1984, whichever is the later, as a "restraint period" in respect of which any changes to compensation in the public sector must be filed with the Inflation Restraint Board for its assessment and review in the light of criteria to be provided by the Treasurer of Ontario. A report on such changes is required to be filed with the Board in the form and manner required by the Board.

Where changes in compensation in respect of the restraint period or in the obligation and requirements of the employer-employee relationship result from arbitration in the public sector, the Bill requires the arbitrator to state in his award the cost or saving to the employer of those changes and the amount of any increased expenditure by the employer that will result from implementing the award. In arbitrations involving the public sector, arbitrators will also be required by the Bill to consider in their awards the employer's ability to pay in the light of existing provincial fiscal policy.

Section 4 of the Bill authorizes the Board, as part of its assessment and review of changes to public sector compensation, to make recommendations to the Treasurer on further appropriate measures to be taken where, in the opinion of the Board, the pattern of increases in compensation in the public sector is inconsistent with the criteria for assessment and review provided by the Treasurer.

Although the Board is not empowered in the Bill to alter any change to compensation in respect of the restraint period, it is given the power to defer the implementation of such changes where adequate information on the cost or saving associated with such changes is not provided to the Board. The deferral of implementation continues only until adequate information is filed or obtained. The Board is given the power to obtain such information in section 7 of the Bill.

In Part II of the Bill, procedures are established for the review, on the basis of criteria to be provided by the Minister of Consumer and Commercial Relations, of prices, fees and charges established, regulated, required or recommended by public agencies or public regulatory agencies in Ontario. The Minister is authorized, where he considers it necessary, to report to the Lieutenant Governor in Council instances in which these "administered prices" are increased contrary to the criteria provided by the Minister.

The Minister may also request the Inflation Restraint Board to investigate whether an increase in an "administered price" is consistent with the criteria, and where it is not, to determine the increase that is consistent. The Board is empowered to obtain necessary information to enable it to carry out its investigation, and the Bill contains provisions to ensure the confidentiality of such information.

Bill 111 1983

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "administrator" in relation to a group compensation plan, means,

(i) where the group compensation plan is administered by an employer, the employer,

(ii) where the group compensation plan is administered by a person other than an employer, that person, and

(iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;

(b) "Board" means the Inflation Restraint Board constituted under the *Inflation Restraint Act, 1982;* 1982, c. 55

(c) "collective agreement" means a collective agreement as defined in the *Labour Relations Act,* an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act,* a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, or any agreement in writing between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or R.S.O. 1980, cc. 228, 164, 381

providing for working conditions or terms of compensation;

(d) "compensation" includes all forms of wages, salary, remuneration, benefits, perquisites, and any other payments or benefits whatsoever that are paid or provided, directly or indirectly, to or for the benefit of a person in respect of any office, employment or position in the public sector, but compensation does not include reimbursement of any person for expenses actually incurred by him;

(e) "compensation group" means an individual or group of persons to whom Part I of this Act is made applicable by section 3, including a unit of public sector employees established for collective bargaining, for whom there exists, or it is proposed to bring into existence, a scheme, arrangement or plan that, by custom or agreement, regulates the terms and conditions for determining the nature and amount of compensation for such individual or group of persons;

(f) "group compensation plan" means the scheme, arrangement or plan for regulating the terms and conditions that determine the nature and amount of compensation for any particular compensation group;

(g) "Minister" means the Minister of Consumer and Commercial Relations;

(h) "municipality" means a county, city, town, village and township and includes a metropolitan, regional or district municipality;

(i) "prescribed" means prescribed by the regulations;

(j) "public sector" means those persons to whom Part I of this Act is made applicable by section 3;

(k) "regulations" means regulations made under this Act;

(l) "restraint period" means,

(i) in the case of a person whose group compensation plan is not included in a collective agreement and is, on the 1st day of October, 1983, subject to the *Inflation Restraint Act, 1982*, the twelve-month period immediately following

1982, c. 55

the expiry of the period referred to in clause 11 (a) or (b) of that Act, whichever is applicable, or

(ii) in the case of a person whose group compensation plan is included in a collective agreement the minimum term of operation of which is, by law or by the express provisions of the agreement, for a period that expires before the 1st day of October, 1984, the twelve-month period immediately following either,

(A) the expiry of that minimum term of operation, or

(B) the expiry of the period for which the group compensation plan is subject to the provisions of subsection 12 (1) of the *Inflation Restraint Act, 1982*, 1982, c. 55

whichever last occurs;

(m) "terms of employment" means,

(i) obligations or requirements that are part of the employer-employee relationship and that give rise to any expenditure of funds by the employer, and

(ii) obligations or requirements for the payment or provision of compensation to persons to whom subsection 3 (2) or (3) applies;

(n) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2. This Act binds Her Majesty in right of Ontario. Binding on Her Majesty

PART I

COMPENSATION REVIEW

3.—(1) This Part applies to, and to the group compensation plans of, persons employed by, Application

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieuten-

ant Governor in Council or a member of the Executive Council;

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act,* and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

R.S.O. 1980, c. 303

(c) every board as defined in the *Education Act,* and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;

R.S.O. 1980, c. 129

(d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act,* every private hospital operated under the authority of a licence issued under the *Private Hospitals Act,* every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the*Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act;*

R.S.O. 1980, cc. 410, 389, 79, 391

(e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(g) every local board of health of a municipality or of a health unit under the *Public Health Act,* and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

R.S.O. 1980, c. 409

(h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

(i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Schedule hereto or added to the Schedule by the regulations.

Idem

(2) This Part applies to, and to the group compensation plans of, members and directors of corporations, boards, commissions and authorities described in clauses (1) (a) to (g) and in clause (1) (i).

Idem

(3) This Part applies to, and to the group compensation plans of,

(a) persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1), or to a wholly-owned subsidiary of such corporation;

(b) judges, as defined in the *Provincial Courts Act*, and small claims courts judges appointed under the *Small Claims Courts Act;* R.S.O. 1980, cc. 398, 476

(c) members of the Assembly;

(d) members of the council of the corporation of a municipality;

(e) members of a local board, as defined in the *Municipal Affairs Act ;* and R.S.O. 1980, c. 303

(f) members of a board, as defined in the *Education Act.* R.S.O. 1980, c. 129

Idem

(4) This Part applies notwithstanding any other Act or any agreement made before or after the coming into force of this Act.

Function of Board

4.—(1) The Board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time or as requested by the Treasurer, and may, where in its opinion the pattern of compensation increases in the public sector is inconsistent with the criteria, recommend to the Treasurer that further appropriate measures be taken.

Idem

(2) The Board shall, through such methods as are considered appropriate, increase awareness of the effects of changes referred to in subsection (1).

Criteria to be published

(3) The criteria determined under subsection (1) shall be published in *The Ontario Gazette*.

How compensation to be changed

5.—(1) Subject to subsection (2), the compensation paid or provided immediately before the restraint period to a person to whom this Part applies may be increased or decreased only in accordance with this Part, and any such increase or decrease shall be deemed to be a change to the group compensation plan for the purposes of section 6.

Excluded changes

(2) This Part does not apply to a change in the benefits provided for in a group compensation plan where the change is required to be made in the restraint period by the statute that confers the benefit.

Filing with Board

6.—(1) Where changes to a group compensation plan in respect of any part of the restraint period are,

(a) proposed in a statement issued by or on behalf of the administrator of such plan;

(b) agreed to in a collective agreement with respect to such plan;

(c) issued in any arbitral award with respect to such plan; or

(d) validly determined in any other proper manner, or in such manner as is prescribed for the purpose of this clause,

the administrator of the group compensation plan, or such other person as the Board permits, shall file with the Board the collective agreement, statement, award, determination or other document setting out the particulars of the changes in the form and manner required by the Board, within thirty days from the issuing of such statement or arbitral award or the ratification of such collective agreement or the making of such determination, and there shall be filed at the same time any additional information required by the Board or by regulation.

Idem

(2) The documents and information required to be filed under subsection (1) shall,

(a) in the case of an arbitration, include the statement required by section 9; and

(b) in all other cases, include the estimated cost or saving attributable to such changes.

Time of implementation

(3) Subject to subsection (4), the changes to the group compensation plan may be implemented fifteen working days after actual receipt by the Board of the documents and information required by subsections (1) and (2) to be filed.

Deferral of implementation

(4) Where, in the opinion of the Board, the documents and information filed with the Board under subsections (1) and (2) do not adequately set out the particulars of the changes to the group compensation plan and the cost or saving attributable to such changes, or do not include an adequate statement prepared by an arbitrator pursuant to section 9, the Board may, within fifteen working days from the actual receipt by the Board of the documents and information, defer the implementation of,

(a) such changes proposed in a statement;

(b) the collective agreement containing such changes;

(c) the arbitral award containing such statement; or

(d) such changes determined under clause (1) (d),

until in the opinion of the Board, this section is complied with, and the Board shall forthwith require the party who has not complied with subsections (1) and (2) to file with the Board within such time as the Board considers reasonable, the necessary information.

Notification

(5) The Board shall notify the person filing the documents or information and such other persons as the Board considers appropriate of any deferral of changes under subsection (4).

Powers of Board

7. In addition to its existing powers, the Board may,

(a) require from an administrator, arbitrator or person subject to this Part any information that in the opinion of the Board is reasonably necessary for the performance of the Board's duties to be provided in the form specified by the Board;

(b) require a report from an administrator or such other person as the Board specifies of the cost in money of any aspect of the terms of employment, or change thereto not already expressed in money;

(c) in writing, require any administrator to provide to the Board, at such time as the Board specifies, the certified report of a qualified person setting out,

(i) the value of total payments on the account of the group compensation plans of persons subject to this Part paid by an administrator during any period,

(ii) any changes to the terms of employment during any period, and

(iii) such other matters as the Board shall specify,

and the administrator shall, at his expense, provide the report so required.

Application of sections 9 and 10

8.—(1) In sections 9 and 10, "arbitration" includes every procedure for arbitration, fact finding or final offer selection applicable by statute to employers, and to employees to whom this Part applies, and "arbitrator" has a corresponding meaning.

Idem

(2) Sections 9 and 10 are applicable only to the full period of an award or decision that includes any part of the restraint period of the employees affected by the arbitration.

Arbitrators to determine costs

9.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whose group compensation plans this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall include in his award or decision a statement setting out, in the form and manner specified by the Board, the arbitrator's opinion of the value in money of the direct and indirect cost or saving to the administrator during the period of time for which the award or decision is effective, of any change to the terms of employment that is to be made as a result of the award or decision.

Idem

(2) Where the change to be made to terms of employment as a result of an award or decision referred to in subsection (1) will be in effect for less than twelve full months in the period of time for which the award or decision is effective, the value of the cost or saving that is required by subsection (1) to be stated shall be calculated as if the change were in effect for a period of twelve months.

Idem

(3) Each party to an arbitration to which subsection (1) applies shall, on the basis of the best information to which he

has access, provide to the arbitrator accurate and proper estimates of the cost or saving directly and indirectly associated with any change that the party submits should be made to the terms of employment, together with such documentation as is necessary to establish and set forth the basis on which the estimate is made.

Estimate not provided

(4) Where a party to an arbitration fails to provide an estimate of the cost or saving of any change, the arbitrator is entitled, in the preparation of the statement required by subsection (1), to base his opinion on the estimates provided by the other party.

Matters to be considered in arbitration

10.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whom this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall consider the employer's ability to pay in the light of existing provincial fiscal policy.

Statement of effect of award

(2) In the statement required from the arbitrator by subsection 9 (1) he shall also state his opinion of the effect of his award in the light of subsection (1).

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(a) terminating in whole or in part the application of this Act to a group compensation plan to which this Act applies where there exist special circumstances that justify such termination in keeping with the spirit and intent of this Act;

(b) adding to or deleting from the Schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind;

(c) exempting items from the costing or filing requirements for arbitrators or administrators;

(d) exempting an administrator from the filing requirements or part thereof;

(e) further defining the methods by which any filing or costing under this Part shall be carried out;

(f) defining for the purposes of this Part any word or expression not already defined in this Part;

(g) further defining the expressions "arbitrator", "arbitration", "compensation", "compensation group", "group compensation plan", "restraint period" and "terms of employment";

(h) prescribing methods of determination for the purpose of clause 6 (1) (d);

(i) prescribing changes in benefits to which this Part is not applicable.

Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 1st day of October, 1983.

PART II

PRICES REVIEW

Interpretation

12. In this Part,

(a) "administered price" means,

(i) a price, user charge or fee charged by a public agency, and

(ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;

(b) "price increase" means an increase or a proposed increase in an administered price;

(c) "public agency" means an agency, board, commisson or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;

(d) "public regulatory agency" means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates, recommends or requires particular prices, user charges or fees to be charged for any product or service.

Price increases to be reviewed

13.—(1) All price increases shall be reviewed to determine their compliance with the economic criteria established by the Minister under this Part.

Reference to Board for investigation

(2) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 1st day of January, 1984 and before the later of,

(a) the 1st day of January, 1985; and

(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 1st day of January, 1984 and prior to the 1st day of January, 1985, the day one year from the last such increase.

Powers and duties of the Board

(3) Where a price increase is referred to the Board by the Minister, the Board shall,

(a) investigate and report on the price increase and determine whether it conforms with the criteria;

(b) where requested by the Minister to do so, determine, or require that the appropriate public agency or public regulatory agency determine, the maximum price increase that would so conform; and

(c) report to the Minister the result of its investigation and of any determination under clause (a) or (b).

Review by Minister

14.—(1) The Minister shall review a report of the Board made under clause 13 (3) (c).

Duty of Minister

(2) Where the Minister determines that a price increase does not conform with the criteria, he shall,

(a) notify the agency or person in question; and

(b) report to the Lieutenant Governor in Council on the nature of the failure to conform.

Information

15.—(1) For the purpose of carrying out its duties under subsection 13 (3), the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such information concerning administered prices as is reasonably necessary and specified in the notice and is in their possession or to which they may reasonably be expected to have access.

Compliance with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or

sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

Extension of time for compliance

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice.

Confidentiality of information

16.—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Part.

Disclosure of information, where permitted

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board.

Evidence

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

Exception

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part.

Offence

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence.

Regulations

17. The Lieutenant Governor in Council may make regulations further defining the terms "public agency" and "public regulatory agency".

PART III

MISCELLANEOUS

Offence

18. Any person who fails, without reasonable excuse, to comply with this Act or any written requirement of the Board made under this Act is guilty of an offence.

Annual reports

19. The Board shall make an annual report of its activities under Part I to the Treasurer and an annual report of its activities under Part II to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly, if it is in session or, if not, at the next ensuing session.

Administration of Act

20. This Act shall be administered by the Treasurer of Ontario and Minister of Economics or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act, and the member of the Executive Council from time to time administering this Act is responsible to provide such guidance or direction on the spirit, intent or purpose of this Act as is considered necessary and desirable.

Moneys

21. The moneys required for the purposes of this Act shall, until the 31st day of March, 1984, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

22. This Act shall be deemed to have come into force on the 1st day of October, 1983.

Short title

23. The short title of this Act is the *Public Sector Prices and Compensation Review Act, 1983.*

SCHEDULE

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

MINISTRY OF COLLEGES AND UNIVERSITIES

1. College Dominicain de Philosophie
2. Knox College
3. McMaster Divinity College
4. Queen's Theological College
5. Regis College
6. St. Augustine's Seminary
7. St. Michael's College
8. St. Paul University
9. St. Paul's United College
10. St. Peter's Seminary
11. Trinity College
12. Victoria College
13. Waterloo Lutheran Seminary
14. Wycliffe College

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);

(b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;

(g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);

(k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(l) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);

(m) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);

(n) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);

(o) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);

(p) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);

(q) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;

(r) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

(s) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);

(t) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(u) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273).

2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

(a) assistance to witnesses and victims of crime, or other disabled groups;

(b) educational, employment search, medical or promotional services;

(c) supervision of inmates, parolees, probationers or persons accused of crime;

(d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pedagogiques

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);

(b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);

(d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;

(e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);

(f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,

(i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);

(h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;

(j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. (a) Booth Avenue Hospital Laundry, Inc.;

(b) Centennial Hospital Linen Services;

(c) Cornwall Regional Hospital Linen Services;

(d) Kawartha Hospital Linen Services;

(e) Kingston Regional Hospital Laundry, Inc.;

(f) London Hospital Linen Services, Inc.;

(g) Mohawk Hospital Linen Services;

(h) Nipissing Area Joint Hospitals Laundry, Inc.;

(i) Ottawa Regional Linen Services, Inc.;

(j) Sudbury Hospital Services;

(k) Windsor Hospital Linen Services, Inc.

4. Ottawa-Carleton Regional Hospital Food Services, Inc.

5. Toronto Hospitals Steam Corporation

6. The Alcoholism and Drug Addiction Research Foundation

7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.

8. The Hospital Council of Metropolitan Toronto

9. The Hospital Medical Records Institute

10. The Ontario Cancer Institute

11. The Ontario Cancer Treatment and Research Foundation

12. The Ontario Mental Health Foundation

13. The Ontario Council of Health

14. The Toronto Institute of Medical Technology

MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board

Bill 111

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

The Hon. L. Grossman
Treasurer of Ontario and Minister of Economics

1st Reading November 8th, 1983
2nd Reading November 24th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The purpose of the Bill is to provide for the assessment and review of compensation and prices in the public sector of Ontario's economy, and for an orderly transition to the resumption in the public sector of full collective bargaining following the final year in which increases in compensation are controlled by the *Inflation Restraint Act, 1982*.

The Bill defines the twelve months following the end of the "5 per cent year" under the *Inflation Restraint Act, 1982* or the end of a collective agreement that expires before October 1, 1984, whichever is the later, as a "restraint period" in respect of which any changes to compensation in the public sector must be filed with the Inflation Restraint Board for its assessment and review in the light of criteria to be provided by the Treasurer of Ontario. A report on such changes is required to be filed with the Board in the form and manner required by the Board.

Where changes in compensation in respect of the restraint period or in the obligation and requirements of the employer-employee relationship result from arbitration in the public sector, the Bill requires the arbitrator to state in his award the cost or saving to the employer of those changes and the amount of any increased expenditure by the employer that will result from implementing the award. In arbitrations involving the public sector, arbitrators will also be required by the Bill to consider in their awards the employer's ability to pay in the light of existing provincial fiscal policy.

Section 4 of the Bill authorizes the Board, as part of its assessment and review of changes to public sector compensation, to make recommendations to the Treasurer on further appropriate measures to be taken where, in the opinion of the Board, the pattern of increases in compensation in the public sector is inconsistent with the criteria for assessment and review provided by the Treasurer.

Although the Board is not empowered in the Bill to alter any change to compensation in respect of the restraint period, it is given the power to defer the implementation of such changes where adequate information on the cost or saving associated with such changes is not provided to the Board. The deferral of implementation continues only until adequate information is filed or obtained. The Board is given the power to obtain such information in section 7 of the Bill.

In Part II of the Bill, procedures are established for the review, on the basis of criteria to be provided by the Minister of Consumer and Commercial Relations, of prices, fees and charges established, regulated, required or recommended by public agencies or public regulatory agencies in Ontario. The Minister is authorized, where he considers it necessary, to report to the Lieutenant Governor in Council instances in which these "administered prices" are increased contrary to the criteria provided by the Minister.

The Minister may also request the Inflation Restraint Board to investigate whether an increase in an "administered price" is consistent with the criteria, and where it is not, to determine the increase that is consistent. The Board is empowered to obtain necessary information to enable it to carry out its investigation, and the Bill contains provisions to ensure the confidentiality of such information.

Bill 111 1983

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "administrator" in relation to a group compensation plan, means,

(i) where the group compensation plan is administered by an employer, the employer,

(ii) where the group compensation plan is administered by a person other than an employer, that person, and

(iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;

(b) "Board" means the Inflation Restraint Board constituted under the *Inflation Restraint Act, 1982;* 1982, c. 55

(c) "collective agreement" means a collective agreement as defined in the *Labour Relations Act,* an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act,* a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, or any agreement in writing between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or R.S.O. 1980, cc. 228, 164, 381

providing for working conditions or terms of compensation;

(d) "compensation" includes all forms of wages, salary, remuneration, benefits, perquisites, and any other payments or benefits whatsoever that are paid or provided, directly or indirectly, to or for the benefit of a person in respect of any office, employment or position in the public sector, but compensation does not include reimbursement of any person for expenses actually incurred by him;

(e) "compensation group" means an individual or group of persons to whom Part I of this Act is made applicable by section 3, including a unit of public sector employees established for collective bargaining, for whom there exists, or it is proposed to bring into existence, a scheme, arrangement or plan that, by custom or agreement, regulates the terms and conditions for determining the nature and amount of compensation for such individual or group of persons;

(f) "group compensation plan" means the scheme, arrangement or plan for regulating the terms and conditions that determine the nature and amount of compensation for any particular compensation group;

(g) "Minister" means the Minister of Consumer and Commercial Relations;

(h) "municipality" means a county, city, town, village and township and includes a metropolitan, regional or district municipality;

(i) "prescribed" means prescribed by the regulations;

(j) "public sector" means those persons to whom Part I of this Act is made applicable by section 3;

(k) "regulations" means regulations made under this Act;

(l) "restraint period" means,

(i) in the case of a person whose group compensation plan is not included in a collective agreement and is, on the 1st day of October, 1983, subject to the *Inflation Restraint Act, 1982*, the twelve-month period immediately following

1982, c. 55

the expiry of the period referred to in clause 11 (a) or (b) of that Act, whichever is applicable, or

(ii) in the case of a person whose group compensation plan is included in a collective agreement the minimum term of operation of which is, by law or by the express provisions of the agreement, for a period that expires before the 1st day of October, 1984, the twelve-month period immediately following either,

(A) the expiry of that minimum term of operation, or

(B) the expiry of the period for which the group compensation plan is subject to the provisions of subsection 12 (1) of the *Inflation Restraint Act, 1982*, 1982, c. 55

whichever last occurs;

(m) "terms of employment" means,

(i) obligations or requirements that are part of the employer-employee relationship and that give rise to any expenditure of funds by the employer, and

(ii) obligations or requirements for the payment or provision of compensation to persons to whom subsection 3 (2) or (3) applies;

(n) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2. This Act binds Her Majesty in right of Ontario. Binding on Her Majesty

PART I

COMPENSATION REVIEW

3.—(1) This Part applies to, and to the group compensation plans of, persons employed by, Application

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieuten-

ant Governor in Council or a member of the Executive Council;

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act,* and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

R.S.O. 1980, c. 303

(c) every board as defined in the *Education Act,* and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;

R.S.O. 1980, c. 129

(d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act,* every private hospital operated under the authority of a licence issued under the *Private Hospitals Act,* every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act;*

R.S.O. 1980, cc. 410, 389, 79, 391

(e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(g) every local board of health of a municipality or of a health unit under the *Public Health Act,* and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

R.S.O. 1980, c. 409

(h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

(i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Schedule hereto or added to the Schedule by the regulations.

Idem

(2) This Part applies to, and to the group compensation plans of, members and directors of corporations, boards, commissions and authorities described in clauses (1) (a) to (g) and in clause (1) (i).

Idem

(3) This Part applies to, and to the group compensation plans of,

(a) persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1), or to a wholly-owned subsidiary of such corporation;

(b) judges, as defined in the *Provincial Courts Act*, and small claims courts judges appointed under the *Small Claims Courts Act;* R.S.O. 1980, cc. 398, 476

(c) members of the Assembly;

(d) members of the council of the corporation of a municipality;

(e) members of a local board, as defined in the *Municipal Affairs Act ;* and R.S.O. 1980, c. 303

(f) members of a board, as defined in the *Education Act.* R.S.O. 1980, c. 129

Idem

(4) This Part applies notwithstanding any other Act or any agreement made before or after the coming into force of this Act.

Function of Board

4.—(1) The Board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time or as requested by the Treasurer, and may, where in its opinion the pattern of compensation increases in the public sector is inconsistent with the criteria, recommend to the Treasurer that further appropriate measures be taken.

Idem

(2) The Board shall, through such methods as are considered appropriate, increase awareness of the effects of changes referred to in subsection (1).

Criteria to be published

(3) The criteria determined under subsection (1) shall be published in *The Ontario Gazette*.

How compensation to be changed

5.—(1) Subject to subsections (2) and (3), the compensation paid or provided immediately before the restraint period to a person to whom this Part applies may be increased or decreased only in accordance with this Part, and any such increase or decrease shall be deemed to be a change to the group compensation plan for the purposes of section 6.

Excluded changes

(2) This Part does not apply to a change in the benefits provided for in a group compensation plan where the change is required to be made in the restraint period by the statute that confers the benefit.

Idem

(3) This Part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in the restraint period by the regulations pursuant to the *Employment Standards Act*.

R.S.O. 1980, c. 137

Filing with Board

6.—(1) Where changes to a group compensation plan in respect of any part of the restraint period are,

(a) proposed in a statement issued by or on behalf of the administrator of such plan;

(b) agreed to in a collective agreement with respect to such plan;

(c) issued in any arbitral award with respect to such plan; or

(d) validly determined in any other proper manner, or in such manner as is prescribed for the purpose of this clause,

the administrator of the group compensation plan, or such other person as the Board permits, shall file with the Board the collective agreement, statement, award, determination or other document setting out the particulars of the changes in the form and manner required by the Board, within thirty days from the issuing of such statement or arbitral award or the ratification of such collective agreement or the making of such determination, and there shall be filed at the same time any additional information required by the Board or by regulation.

Idem

(2) The documents and information required to be filed under subsection (1) shall,

(a) in the case of an arbitration, include the statement required by section 9; and

(b) in all other cases, include the estimated cost or saving attributable to such changes.

Time of implementation

(3) Subject to subsection (4), the changes to the group compensation plan may be implemented fifteen working days after actual receipt by the Board of the documents and information required by subsections (1) and (2) to be filed.

Deferral of implementation

(4) Where, in the opinion of the Board, the documents and information filed with the Board under subsections (1) and (2) do not adequately set out the particulars of the changes to the group compensation plan and the cost or saving attributable to such changes, or do not include an adequate statement prepared by an arbitrator pursuant to section 9, the Board may, within fifteen working days from the actual receipt by the Board of the documents and information, defer the implementation of,

(a) such changes proposed in a statement;

(b) the collective agreement containing such changes;

(c) the arbitral award containing such statement; or

(d) such changes determined under clause (1) (d),

until in the opinion of the Board, this section is complied with, and the Board shall forthwith require the party who has not complied with subsections (1) and (2) to file with the Board within such time as the Board considers reasonable, the necessary information.

Notification

(5) The Board shall notify the person filing the documents or information and such other persons as the Board considers appropriate of any deferral of changes under subsection (4).

Powers of Board

7. In addition to its existing powers, the Board may,

(a) require from an administrator, arbitrator or person subject to this Part any information that in the opinion of the Board is reasonably necessary for the performance of the Board's duties to be provided in the form specified by the Board;

(b) require a report from an administrator or such other person as the Board specifies of the cost in money of any aspect of the terms of employment, or change thereto not already expressed in money;

(c) in writing, require any administrator to provide to the Board, at such time as the Board specifies, the certified report of a qualified person setting out,

(i) the value of total payments on the account of the group compensation plans of persons subject to this Part paid by an administrator during any period,

(ii) any changes to the terms of employment during any period, and

(iii) such other matters as the Board shall specify,

and the administrator shall, at his expense, provide the report so required.

Application of sections 9 and 10

8.—(1) In sections 9 and 10, "arbitration" includes every procedure for arbitration, fact finding or final offer selection applicable by statute to employers, and to employees to whom this Part applies, and "arbitrator" has a corresponding meaning.

Idem

(2) Sections 9 and 10 are applicable only to the full period of an award or decision that includes any part of the restraint period of the employees affected by the arbitration.

Arbitrators to determine costs

9.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whose group compensation plans this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall include in his award or decision a statement setting out, in the form and manner specified by the Board, the arbitrator's opinion of the value in money of the direct and indirect cost or saving to the administrator during the period of time for which the award or decision is effective, of any change to the terms of employment that is to be made as a result of the award or decision.

Idem

(2) Where the change to be made to terms of employment as a result of an award or decision referred to in subsection (1) will be in effect for less than twelve full months in the period of time for which the award or decision is effective, the value of the cost or saving that is required by subsection (1) to be stated

shall be calculated as if the change were in effect for a period of twelve months.

Idem

(3) Each party to an arbitration to which subsection (1) applies shall, on the basis of the best information to which he has access, provide to the arbitrator accurate and proper estimates of the cost or saving directly and indirectly associated with any change that the party submits should be made to the terms of employment, together with such documentation as is necessary to establish and set forth the basis on which the estimate is made.

Estimate not provided

(4) Where a party to an arbitration fails to provide an estimate of the cost or saving of any change, the arbitrator is entitled, in the preparation of the statement required by subsection (1), to base his opinion on the estimates provided by the other party.

Matters to be considered in arbitration

10.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whom this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall consider the employer's ability to pay in the light of existing provincial fiscal policy.

Statement of effect of award

(2) In the statement required from the arbitrator by subsection 9 (1) he shall also state his opinion of the effect of his award in the light of subsection (1).

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(a) terminating in whole or in part the application of this Act to a group compensation plan to which this Act applies where there exist special circumstances that justify such termination in keeping with the spirit and intent of this Act;

(b) adding to or deleting from the Schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind;

(c) exempting items from the costing or filing requirements for arbitrators or administrators;

(d) exempting an administrator from the filing requirements or part thereof;

(e) further defining the methods by which any filing or costing under this Part shall be carried out;

(f) defining for the purposes of this Part any word or expression not already defined in this Part;

(g) further defining the expressions "arbitrator", "arbitration", "compensation", "compensation group", "group compensation plan", "restraint period" and "terms of employment";

(h) prescribing methods of determination for the purpose of clause 6 (1) (d);

(i) prescribing changes in benefits to which this Part is not applicable.

Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 1st day of October, 1983.

PART II

PRICES REVIEW

Interpretation

12. In this Part,

(a) "administered price" means,

(i) a price, user charge or fee charged by a public agency, and

(ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;

(b) "price increase" means an increase or a proposed increase in an administered price;

(c) "public agency" means an agency, board, commisson or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;

(d) "public regulatory agency" means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates, recommends

or requires particular prices, user charges or fees to be charged for any product or service.

Price increases to be reviewed

13.—(1) All price increases shall be reviewed to determine their compliance with the economic criteria established by the Minister under this Part.

Criteria

(2) The Minister shall establish, and may from time to time amend, economic criteria by which price increases shall be reviewed and,

(a) shall publish the criteria and any amendments in *The Ontario Gazette;*

(b) shall circulate the criteria and any amendments to every public agency and public regulatory agency; and

(c) may give public notice of the criteria and any amendments in such manner as the Minister considers appropriate.

Reference to Board for investigation

(3) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 1st day of January, 1984 and before the later of,

(a) the 1st day of January, 1985; and

(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 1st day of January, 1984 and prior to the 1st day of January, 1985, the day one year from the last such increase.

Powers and duties of the Board

(4) Where a price increase is referred to the Board by the Minister, the Board shall,

(a) investigate and report on the price increase and determine whether it conforms with the criteria;

(b) where requested by the Minister to do so, determine, or require that the appropriate public agency or public regulatory agency determine, the maximum price increase that would so conform; and

(c) report to the Minister the result of its investigation and of any determination under clause (a) or (b).

Review by Minister

14.—(1) The Minister shall review a report of the Board made under clause 13 (4) (c).

Duty of Minister

(2) Where the Minister determines that a price increase does not conform with the criteria, he shall,

(a) notify the agency or person in question; and

(b) report to the Lieutenant Governor in Council on the nature of the failure to conform.

Information

15.—(1) For the purpose of carrying out its duties under subsection 13 (4), the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such information concerning administered prices as is reasonably necessary and specified in the notice and is in their possession or to which they may reasonably be expected to have access.

Compliance with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

Extension of time for compliance

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice.

Confidentiality of information

16.—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Part.

Disclosure of information, where permitted

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority

named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board.

Evidence

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

Exception

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part.

Offence

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence.

Regulations

17. The Lieutenant Governor in Council may make regulations further defining the terms "public agency" and "public regulatory agency".

PART III

MISCELLANEOUS

Offence

18. Any person who fails, without reasonable excuse, to comply with this Act or any written requirement of the Board made under this Act is guilty of an offence.

Annual reports

19. The Board shall make an annual report of its activities under Part I to the Treasurer and an annual report of its activities under Part II to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly, if it is in session or, if not, at the next ensuing session.

Administration of Act

20. This Act shall be administered by the Treasurer of Ontario and Minister of Economics or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act, and the member of the Executive Council from time to time administering this Act is responsible to provide such guidance or direction on the spirit, intent or purpose of this Act as is considered necessary and desirable.

Moneys

21. The moneys required for the purposes of this Act shall, until the 31st day of March, 1984, be paid out of the

Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

22. This Act shall be deemed to have come into force on the 1st day of October, 1983.

Short title

23. The short title of this Act is the *Public Sector Prices and Compensation Review Act, 1983.*

SCHEDULE

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

MINISTRY OF COLLEGES AND UNIVERSITIES

1. College Dominicain de Philosophie
2. Knox College
3. McMaster Divinity College
4. Queen's Theological College
5. Regis College
6. St. Augustine's Seminary
7. St. Michael's College
8. St. Paul University
9. St. Paul's United College
10. St. Peter's Seminary
11. Trinity College
12. Victoria College
13. Waterloo Lutheran Seminary
14. Wycliffe College

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);

(b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;

(g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);

(k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(l) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);

(m) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);

(n) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);

(o) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);

(p) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);

(q) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;

(r) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

(s) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);

(t) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(u) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273).

2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

(a) assistance to witnesses and victims of crime, or other disabled groups;

(b) educational, employment search, medical or promotional services;

(c) supervision of inmates, parolees, probationers or persons accused of crime;

(d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pedagogiques

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);

(b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);

(d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;

(e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);

(f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,

(i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);

(h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;

(j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. (a) Booth Avenue Hospital Laundry, Inc.;

(b) Centennial Hospital Linen Services;

(c) Cornwall Regional Hospital Linen Services;

(d) Kawartha Hospital Linen Services;

(e) Kingston Regional Hospital Laundry, Inc.;

(f) London Hospital Linen Services, Inc.;

(g) Mohawk Hospital Linen Services;

(h) Nipissing Area Joint Hospitals Laundry, Inc.;

(i) Ottawa Regional Linen Services, Inc.;

(j) Sudbury Hospital Services;

(k) Windsor Hospital Linen Services, Inc.

4. Ottawa-Carleton Regional Hospital Food Services, Inc.

5. Toronto Hospitals Steam Corporation

6. The Alcoholism and Drug Addiction Research Foundation

7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.

8. The Hospital Council of Metropolitan Toronto

9. The Hospital Medical Records Institute

10. The Ontario Cancer Institute

11. The Ontario Cancer Treatment and Research Foundation

12. The Ontario Mental Health Foundation

13. The Ontario Council of Health

14. The Toronto Institute of Medical Technology

MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board

Bill 111

(Chapter 70
Statutes of Ontario, 1983)

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

The Hon. L. Grossman
Treasurer of Ontario and Minister of Economics

1st Reading	November 8th, 1983
2nd Reading	November 24th, 1983
3rd Reading	December 13th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 111 1983

An Act to provide for the Review of Prices and Compensation in the Public Sector and for an orderly Transition to the Resumption of full Collective Bargaining

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "administrator" in relation to a group compensation plan, means,

(i) where the group compensation plan is administered by an employer, the employer,

(ii) where the group compensation plan is administered by a person other than an employer, that person, and

(iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;

(b) "Board" means the Inflation Restraint Board constituted under the *Inflation Restraint Act, 1982;* 1982, c. 55

(c) "collective agreement" means a collective agreement as defined in the *Labour Relations Act,* an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act,* a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, or any agreement in writing between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or R.S.O. 1980, cc. 228, 164, 381

providing for working conditions or terms of compensation;

(d) "compensation" includes all forms of wages, salary, remuneration, benefits, perquisites, and any other payments or benefits whatsoever that are paid or provided, directly or indirectly, to or for the benefit of a person in respect of any office, employment or position in the public sector, but compensation does not include reimbursement of any person for expenses actually incurred by him;

(e) "compensation group" means an individual or group of persons to whom Part I of this Act is made applicable by section 3, including a unit of public sector employees established for collective bargaining, for whom there exists, or it is proposed to bring into existence, a scheme, arrangement or plan that, by custom or agreement, regulates the terms and conditions for determining the nature and amount of compensation for such individual or group of persons;

(f) "group compensation plan" means the scheme, arrangement or plan for regulating the terms and conditions that determine the nature and amount of compensation for any particular compensation group;

(g) "Minister" means the Minister of Consumer and Commercial Relations;

(h) "municipality" means a county, city, town, village and township and includes a metropolitan, regional or district municipality;

(i) "prescribed" means prescribed by the regulations;

(j) "public sector" means those persons to whom Part I of this Act is made applicable by section 3;

(k) "regulations" means regulations made under this Act;

(l) "restraint period" means,

(i) in the case of a person whose group compensation plan is not included in a collective agreement and is, on the 1st day of October, 1983, subject to the *Inflation Restraint Act, 1982*, the twelve-month period immediately following

1982, c. 55

the expiry of the period referred to in clause 11 (a) or (b) of that Act, whichever is applicable, or

(ii) in the case of a person whose group compensation plan is included in a collective agreement the minimum term of operation of which is, by law or by the express provisions of the agreement, for a period that expires before the 1st day of October, 1984, the twelve-month period immediately following either,

(A) the expiry of that minimum term of operation, or

(B) the expiry of the period for which the group compensation plan is subject to the provisions of subsection 12 (1) of the *Inflation Restraint Act, 1982,* 1982, c. 55

whichever last occurs;

(m) "terms of employment" means,

(i) obligations or requirements that are part of the employer-employee relationship and that give rise to any expenditure of funds by the employer, and

(ii) obligations or requirements for the payment or provision of compensation to persons to whom subsection 3 (2) or (3) applies;

(n) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2. This Act binds Her Majesty in right of Ontario. Binding on Her Majesty

PART I

COMPENSATION REVIEW

3.—(1) This Part applies to, and to the group compensation plans of, persons employed by, Application

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieuten-

ant Governor in Council or a member of the Executive Council;

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act,* and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

R.S.O. 1980, c. 303

(c) every board as defined in the *Education Act,* and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;

R.S.O. 1980, c. 129

(d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act,* every private hospital operated under the authority of a licence issued under the *Private Hospitals Act,* every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act;*

R.S.O. 1980, cc. 410, 389, 79, 391

(e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(g) every local board of health of a municipality or of a health unit under the *Public Health Act,* and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

R.S.O. 1980, c. 409

(h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

(i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Schedule hereto or added to the Schedule by the regulations.

Idem

(2) This Part applies to, and to the group compensation plans of, members and directors of corporations, boards, commissions and authorities described in clauses (1) (a) to (g) and in clause (1) (i).

Idem

(3) This Part applies to, and to the group compensation plans of,

(a) persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1), or to a wholly-owned subsidiary of such corporation;

(b) judges, as defined in the *Provincial Courts Act*, and small claims courts judges appointed under the *Small Claims Courts Act;* R.S.O. 1980, cc. 398, 476

(c) members of the Assembly;

(d) members of the council of the corporation of a municipality;

(e) members of a local board, as defined in the *Municipal Affairs Act ;* and R.S.O. 1980, c. 303

(f) members of a board, as defined in the *Education Act.* R.S.O. 1980, c. 129

Idem

(4) This Part applies notwithstanding any other Act or any agreement made before or after the coming into force of this Act.

Function of Board

4.—(1) The Board shall assess changes in compensation in the public sector to determine their conformity with such criteria as the Treasurer determines and report on its findings to the Treasurer from time to time or as requested by the Treasurer, and may, where in its opinion the pattern of compensation increases in the public sector is inconsistent with the criteria, recommend to the Treasurer that further appropriate measures be taken.

Idem

(2) The Board shall, through such methods as are considered appropriate, increase awareness of the effects of changes referred to in subsection (1).

Criteria to be published

(3) The criteria determined under subsection (1) shall be published in *The Ontario Gazette*.

How compensation to be changed

5.—(1) Subject to subsections (2) and (3), the compensation paid or provided immediately before the restraint period to a person to whom this Part applies may be increased or decreased only in accordance with this Part, and any such increase or decrease shall be deemed to be a change to the group compensation plan for the purposes of section 6.

Excluded changes

(2) This Part does not apply to a change in the benefits provided for in a group compensation plan where the change is required to be made in the restraint period by the statute that confers the benefit.

Idem

(3) This Part does not apply to a change in the wages provided for in a group compensation plan where the change is required to be made in the restraint period by the regulations pursuant to the *Employment Standards Act*.

R.S.O. 1980, c. 137

Filing with Board

6.—(1) Where changes to a group compensation plan in respect of any part of the restraint period are,

(a) proposed in a statement issued by or on behalf of the administrator of such plan;

(b) agreed to in a collective agreement with respect to such plan;

(c) issued in any arbitral award with respect to such plan; or

(d) validly determined in any other proper manner, or in such manner as is prescribed for the purpose of this clause,

the administrator of the group compensation plan, or such other person as the Board permits, shall file with the Board the collective agreement, statement, award, determination or other document setting out the particulars of the changes in the form and manner required by the Board, within thirty days from the issuing of such statement or arbitral award or the ratification of such collective agreement or the making of such determination, and there shall be filed at the same time any additional information required by the Board or by regulation.

Idem

(2) The documents and information required to be filed under subsection (1) shall,

(a) in the case of an arbitration, include the statement required by section 9; and

(b) in all other cases, include the estimated cost or saving attributable to such changes.

Time of implementation

(3) Subject to subsection (4), the changes to the group compensation plan may be implemented fifteen working days after actual receipt by the Board of the documents and information required by subsections (1) and (2) to be filed.

Deferral of implementation

(4) Where, in the opinion of the Board, the documents and information filed with the Board under subsections (1) and (2) do not adequately set out the particulars of the changes to the group compensation plan and the cost or saving attributable to such changes, or do not include an adequate statement prepared by an arbitrator pursuant to section 9, the Board may, within fifteen working days from the actual receipt by the Board of the documents and information, defer the implementation of,

(a) such changes proposed in a statement;

(b) the collective agreement containing such changes;

(c) the arbitral award containing such statement; or

(d) such changes determined under clause (1) (d),

until in the opinion of the Board, this section is complied with, and the Board shall forthwith require the party who has not complied with subsections (1) and (2) to file with the Board within such time as the Board considers reasonable, the necessary information.

Notification

(5) The Board shall notify the person filing the documents or information and such other persons as the Board considers appropriate of any deferral of changes under subsection (4).

Powers of Board

7. In addition to its existing powers, the Board may,

(a) require from an administrator, arbitrator or person subject to this Part any information that in the opinion of the Board is reasonably necessary for the performance of the Board's duties to be provided in the form specified by the Board;

(b) require a report from an administrator or such other person as the Board specifies of the cost in money of any aspect of the terms of employment, or change thereto not already expressed in money;

(c) in writing, require any administrator to provide to the Board, at such time as the Board specifies, the certified report of a qualified person setting out,

(i) the value of total payments on the account of the group compensation plans of persons subject to this Part paid by an administrator during any period,

(ii) any changes to the terms of employment during any period, and

(iii) such other matters as the Board shall specify,

and the administrator shall, at his expense, provide the report so required.

Application of sections 9 and 10

8.—(1) In sections 9 and 10, "arbitration" includes every procedure for arbitration, fact finding or final offer selection applicable by statute to employers, and to employees to whom this Part applies, and "arbitrator" has a corresponding meaning.

Idem

(2) Sections 9 and 10 are applicable only to the full period of an award or decision that includes any part of the restraint period of the employees affected by the arbitration.

Arbitrators to determine costs

9.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whose group compensation plans this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall include in his award or decision a statement setting out, in the form and manner specified by the Board, the arbitrator's opinion of the value in money of the direct and indirect cost or saving to the administrator during the period of time for which the award or decision is effective, of any change to the terms of employment that is to be made as a result of the award or decision.

Idem

(2) Where the change to be made to terms of employment as a result of an award or decision referred to in subsection (1) will be in effect for less than twelve full months in the period of time for which the award or decision is effective, the value of the cost or saving that is required by subsection (1) to be stated

shall be calculated as if the change were in effect for a period of twelve months.

Idem

(3) Each party to an arbitration to which subsection (1) applies shall, on the basis of the best information to which he has access, provide to the arbitrator accurate and proper estimates of the cost or saving directly and indirectly associated with any change that the party submits should be made to the terms of employment, together with such documentation as is necessary to establish and set forth the basis on which the estimate is made.

Estimate not provided

(4) Where a party to an arbitration fails to provide an estimate of the cost or saving of any change, the arbitrator is entitled, in the preparation of the statement required by subsection (1), to base his opinion on the estimates provided by the other party.

Matters to be considered in arbitration

10.—(1) Every Act or regulation that requires or permits an issue that arises in collective bargaining by or on behalf of employees to whom this Part applies to be submitted to or determined by arbitration shall be deemed to include a provision that the arbitrator shall consider the employer's ability to pay in the light of existing provincial fiscal policy.

Statement of effect of award

(2) In the statement required from the arbitrator by subsection 9 (1) he shall also state his opinion of the effect of his award in the light of subsection (1).

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(a) terminating in whole or in part the application of this Act to a group compensation plan to which this Act applies where there exist special circumstances that justify such termination in keeping with the spirit and intent of this Act;

(b) adding to or deleting from the Schedule any person or any class of persons or any agency, authority, board, commission, corporation or organization of any kind;

(c) exempting items from the costing or filing requirements for arbitrators or administrators;

(d) exempting an administrator from the filing requirements or part thereof;

(e) further defining the methods by which any filing or costing under this Part shall be carried out;

(f) defining for the purposes of this Part any word or expression not already defined in this Part;

(g) further defining the expressions "arbitrator", "arbitration", "compensation", "compensation group", "group compensation plan", "restraint period" and "terms of employment";

(h) prescribing methods of determination for the purpose of clause 6 (1) (d);

(i) prescribing changes in benefits to which this Part is not applicable.

Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 1st day of October, 1983.

PART II

PRICES REVIEW

Interpretation

12. In this Part,

(a) "administered price" means,

(i) a price, user charge or fee charged by a public agency, and

(ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;

(b) "price increase" means an increase or a proposed increase in an administered price;

(c) "public agency" means an agency, board, commisson or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;

(d) "public regulatory agency" means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates, recommends

or requires particular prices, user charges or fees to be charged for any product or service.

Price increases to be reviewed

13.—(1) All price increases shall be reviewed to determine their compliance with the economic criteria established by the Minister under this Part.

Criteria

(2) The Minister shall establish, and may from time to time amend, economic criteria by which price increases shall be reviewed and,

(a) shall publish the criteria and any amendments in *The Ontario Gazette;*

(b) shall circulate the criteria and any amendments to every public agency and public regulatory agency; and

(c) may give public notice of the criteria and any amendments in such manner as the Minister considers appropriate.

Reference to Board for investigation

(3) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 1st day of January, 1984 and before the later of,

(a) the 1st day of January, 1985; and

(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 1st day of January, 1984 and prior to the 1st day of January, 1985, the day one year from the last such increase.

Powers and duties of the Board

(4) Where a price increase is referred to the Board by the Minister, the Board shall,

(a) investigate and report on the price increase and determine whether it conforms with the criteria;

(b) where requested by the Minister to do so, determine, or require that the appropriate public agency or public regulatory agency determine, the maximum price increase that would so conform; and

(c) report to the Minister the result of its investigation and of any determination under clause (a) or (b).

Review by Minister

14.—(1) The Minister shall review a report of the Board made under clause 13 (4) (c).

Duty of Minister

(2) Where the Minister determines that a price increase does not conform with the criteria, he shall,

(a) notify the agency or person in question; and

(b) report to the Lieutenant Governor in Council on the nature of the failure to conform.

Information

15.—(1) For the purpose of carrying out its duties under subsection 13 (4), the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such information concerning administered prices as is reasonably necessary and specified in the notice and is in their possession or to which they may reasonably be expected to have access.

Compliance with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

Extension of time for compliance

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice.

Confidentiality of information

16.—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Part.

Disclosure of information, where permitted

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority

named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board.

Evidence

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

Exception

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part.

Offence

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence.

Regulations

17. The Lieutenant Governor in Council may make regulations further defining the terms "public agency" and "public regulatory agency".

PART III

MISCELLANEOUS

Offence

18. Any person who fails, without reasonable excuse, to comply with this Act or any written requirement of the Board made under this Act is guilty of an offence.

Annual reports

19. The Board shall make an annual report of its activities under Part I to the Treasurer and an annual report of its activities under Part II to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly, if it is in session or, if not, at the next ensuing session.

Administration of Act

20. This Act shall be administered by the Treasurer of Ontario and Minister of Economics or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act, and the member of the Executive Council from time to time administering this Act is responsible to provide such guidance or direction on the spirit, intent or purpose of this Act as is considered necessary and desirable.

Moneys

21. The moneys required for the purposes of this Act shall, until the 31st day of March, 1984, be paid out of the

Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

22. This Act shall be deemed to have come into force on the 1st day of October, 1983.

Short title

23. The short title of this Act is the *Public Sector Prices and Compensation Review Act, 1983.*

SCHEDULE

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

MINISTRY OF COLLEGES AND UNIVERSITIES

1. College Dominicain de Philosophie
2. Knox College
3. McMaster Divinity College
4. Queen's Theological College
5. Regis College
6. St. Augustine's Seminary
7. St. Michael's College
8. St. Paul University
9. St. Paul's United College
10. St. Peter's Seminary
11. Trinity College
12. Victoria College
13. Waterloo Lutheran Seminary
14. Wycliffe College

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);

(b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;

(g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);

(k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(l) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);

(m) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);

(n) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);

(o) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);

(p) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);

(q) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;

(r) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

(s) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);

(t) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(u) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273).

2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

(a) assistance to witnesses and victims of crime, or other disabled groups;

(b) educational, employment search, medical or promotional services;

(c) supervision of inmates, parolees, probationers or persons accused of crime;

(d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pedagogiques

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);

(b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);

(d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;

(e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);

(f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,

(i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);

(h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;

(j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. (a) Booth Avenue Hospital Laundry, Inc.;

(b) Centennial Hospital Linen Services;

(c) Cornwall Regional Hospital Linen Services;

(d) Kawartha Hospital Linen Services;

(e) Kingston Regional Hospital Laundry, Inc.;

(f) London Hospital Linen Services, Inc.;

(g) Mohawk Hospital Linen Services;

(h) Nipissing Area Joint Hospitals Laundry, Inc.;

(i) Ottawa Regional Linen Services, Inc.;

(j) Sudbury Hospital Services;

(k) Windsor Hospital Linen Services, Inc.

4. Ottawa-Carleton Regional Hospital Food Services, Inc.

5. Toronto Hospitals Steam Corporation

6. The Alcoholism and Drug Addiction Research Foundation

7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.

8. The Hospital Council of Metropolitan Toronto

9. The Hospital Medical Records Institute

10. The Ontario Cancer Institute

11. The Ontario Cancer Treatment and Research Foundation

12. The Ontario Mental Health Foundation

13. The Ontario Council of Health

14. The Toronto Institute of Medical Technology

MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 112

An Act to provide for the Observance of Remembrance Day

Mr. Foulds

1st Reading November 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to ensure that Remembrance Day is observed as a general holiday on November 11th.

Bill 112 1983

An Act to provide for the Observance of Remembrance Day

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Holiday proclaimed

1. Remembrance Day, being the 11th day of November in each year, is a public holiday for the purposes of Part VII of the *Employment Standards Act* and is a school holiday for the purposes of the *Education Act*.

R.S.O. 1980, cc. 137, 129

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Remembrance Day Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 113

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading November 9th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the sale of interests in residential buildings to purchasers who are misled into believing that they will be entitled to replace tenants as occupants of dwelling units or that they are acquiring ownership of a dwelling unit. The objective is to protect a purchaser who buys under a misconception as to what is being acquired.

No sale is prohibited where the purchaser is clearly informed as to what is being purchased.

Bill 113 1983

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "advertise for sale" includes making oral representations;

(b) "interest" includes a security;

(c) "prescribed" means prescribed by regulations;

(d) "regulations" means regulations made under this Act;

(e) "residential complex" means a building or related group of buildings situated in Ontario in which more than six dwelling units are located;

(f) "security" means a security within the meaning of the *Securities Act*. R.S.O. 1980, c. 466

2.—(1) No person shall sell or offer to sell, an interest in respect of a residential complex to a purchaser who is led to believe, Sale of interest in residential complex prohibited

(a) that, along with the interest, he is acquiring the present or future right to occupy a dwelling unit in the residential complex; or

(b) that he is acquiring exclusive ownership of a dwelling unit in the residential complex if that is not the case.

(2) No person shall advertise, by any means, an interest for sale that would, if the sale were completed, be in contravention of subsection (1). Advertising prohibited

Acting as agent prohibited

(3) No person shall knowingly act in a transaction that would be in contravention of subsection (1) or (2) as an agent for the person who sells the interest, makes the offer or instigates the advertisement.

Interpretation

(4) For the purpose of subsection (1), a person shall be deemed to be led to believe that he is acquiring the right to occupy a dwelling unit where he is led, expressly or by implication, by written or oral statements, to understand that he may occupy or acquire the right to occupy a dwelling unit.

Idem

(5) A person is not in contravention of subsection (1) simply because he sets out a clear, accurate, written statement of law in respect of the right to occupy the unit.

Exemptions

3. This Act does not apply to a sale, offer to sell or advertisement for sale of,

(a) an interest in a residential complex to a purchaser who acquires or will acquire the right to occupy a dwelling unit that,

(i) the vendor occupies, or

(ii) is exempted by the regulations;

R.S.O. 1980, c. 84

(b) a unit or proposed unit as defined in the *Condominium Act*; or

R.S.O. 1980, c. 91

(c) a security issued by a corporation to which the *Co-operative Corporations Act* applies.

Transaction voidable and vendor liable for damages

4. Every offer to purchase or agreement of purchase that is in contravention of subsection 2 (1) is voidable, up to the time the transaction is complete, at the option of the purchaser and the purchaser, whether he exercises his option or not, may claim damages from the vendor or any person who acted in the transaction as agent for the vendor in contravention of section 2.

Penalty

5.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year or, to both, or, if such person is a corporation, to a fine of not more than $100,000.

Idem

(2) Where a corporation is guilty of an offence under this Act, every director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an

offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing classes of dwelling units;

(b) exempting any dwelling unit or class of dwelling units from any provision of this Act; and

(c) prescribing conditions attaching to any exemption.

Scope of regulation

(2) Any exemption made under subsection (1) may be limited as to time or place, or both, and may exclude any place from the application of the exemption and may be subject to prescribed conditions.

Classes

(3) Any class prescribed under subsection (1) may be defined with respect to any attribute, quality or characteristic or combination thereof.

R.S.O. 1980, c. 84, s. 60, repealed

7. Section 60 of the *Condominium Act* is repealed.

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Residential Complex Sales Representation Act, 1983*.

Bill 113

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading November 9th, 1983
2nd Reading December 1st, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the sale of interests in residential buildings to purchasers who are misled into believing that they will be entitled to replace tenants as occupants of dwelling units or that they are acquiring ownership of a dwelling unit. The objective is to protect a purchaser who buys under a misconception as to what is being acquired.

No sale is prohibited where the purchaser is clearly informed as to what is being purchased.

Bill 113 1983

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "advertise for sale" includes making oral representations;

(b) "interest" includes a security;

(c) "prescribed" means prescribed by regulations;

(d) "regulations" means regulations made under this Act;

(e) "residential complex" means a building or related group of buildings situated in Ontario in which more than six dwelling units are located and a mobile home park as defined in Part IV of the *Landlord and Tenant Act*; R.S.O. 1980, c. 232

(f) "security" means a security within the meaning of the *Securities Act*. R.S.O. 1980, c. 466

2.—(1) No person shall sell or offer to sell, an interest in respect of a residential complex to a purchaser who is led to believe, Sale of interest in residential complex prohibited

(a) that, along with the interest, he is acquiring the present or future right to occupy a dwelling unit in the residential complex; or

(b) that he is acquiring exclusive ownership of a dwelling unit in the residential complex if that is not the case.

Advertising prohibited

(2) No person shall advertise, by any means, an interest for sale that would, if the sale were completed, be in contravention of subsection (1).

Acting as agent prohibited

(3) No person shall knowingly act in a transaction that would be in contravention of subsection (1) or (2) as an agent for the person who sells the interest, makes the offer or instigates the advertisement.

Interpretation

(4) For the purpose of subsection (1), a person shall be deemed to be led to believe that he is acquiring the right to occupy a dwelling unit where he is led, expressly or by implication, by written or oral statements, to understand that he may occupy or acquire the right to occupy a dwelling unit.

Idem

(5) A person is not in contravention of subsection (1) simply because he sets out a clear, accurate, written statement of law in respect of the right to occupy the unit.

Exemptions

3. This Act does not apply to a sale, offer to sell or advertisement for sale of,

(a) an interest in a residential complex to a purchaser who acquires or will acquire the right to occupy a dwelling unit that,

(i) the vendor occupies, or

(ii) is exempted by the regulations;

R.S.O. 1980, c. 84

(b) a unit or proposed unit as defined in the *Condominium Act*; or

R.S.O. 1980, c. 91

(c) a security issued by a corporation to which the *Co-operative Corporations Act* applies.

Transaction voidable and vendor liable for damages

4. Every offer to purchase or agreement of purchase that is in contravention of subsection 2 (1) is voidable, up to the time the transaction is complete, at the option of the purchaser and the purchaser, whether he exercises his option or not, may claim damages from the vendor or any person who acted in the transaction as agent for the vendor in contravention of section 2.

Penalty

5.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year or, to both, or, if such person is a corporation, to a fine of not more than $100,000.

Idem

(2) Where a corporation is guilty of an offence under this Act, every director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing classes of dwelling units;

(b) exempting any dwelling unit or class of dwelling units from any provision of this Act; and

(c) prescribing conditions attaching to any exemption.

Scope of regulation

(2) Any exemption made under subsection (1) may be limited as to time or place, or both, and may exclude any place from the application of the exemption and may be subject to prescribed conditions.

Classes

(3) Any class prescribed under subsection (1) may be defined with respect to any attribute, quality or characteristic or combination thereof.

R.S.O. 1980, c. 84, s. 60, repealed

7. Section 60 of the *Condominium Act* is repealed.

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Residential Complex Sales Representation Act, 1983*.

Bill 113

(Chapter 67
Statutes of Ontario, 1983)

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading	November 9th, 1983
2nd Reading	December 1st, 1983
3rd Reading	December 2nd, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 113 1983

An Act to regulate Conveyances of Dwelling Units in Residential Complexes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "advertise for sale" includes making oral representations;

(b) "interest" includes a security;

(c) "prescribed" means prescribed by regulations;

(d) "regulations" means regulations made under this Act;

(e) "residential complex" means a building or related group of buildings situated in Ontario in which more than six dwelling units are located and a mobile home park as defined in Part IV of the *Landlord and Tenant Act*; R.S.O. 1980, c. 232

(f) "security" means a security within the meaning of the *Securities Act*. R.S.O. 1980, c. 466

Sale of interest in residential complex prohibited

2.—(1) No person shall sell or offer to sell, an interest in respect of a residential complex to a purchaser who is led to believe,

(a) that, along with the interest, he is acquiring the present or future right to occupy a dwelling unit in the residential complex; or

(b) that he is acquiring exclusive ownership of a dwelling unit in the residential complex if that is not the case.

Advertising prohibited

(2) No person shall advertise, by any means, an interest for sale that would, if the sale were completed, be in contravention of subsection (1).

Acting as agent prohibited

(3) No person shall knowingly act in a transaction that would be in contravention of subsection (1) or (2) as an agent for the person who sells the interest, makes the offer or instigates the advertisement.

Interpretation

(4) For the purpose of subsection (1), a person shall be deemed to be led to believe that he is acquiring the right to occupy a dwelling unit where he is led, expressly or by implication, by written or oral statements, to understand that he may occupy or acquire the right to occupy a dwelling unit.

Idem

(5) A person is not in contravention of subsection (1) simply because he sets out a clear, accurate, written statement of law in respect of the right to occupy the unit.

Exemptions

3. This Act does not apply to a sale, offer to sell or advertisement for sale of,

(a) an interest in a residential complex to a purchaser who acquires or will acquire the right to occupy a dwelling unit that,

(i) the vendor occupies, or

(ii) is exempted by the regulations;

R.S.O. 1980, c. 84

(b) a unit or proposed unit as defined in the *Condominium Act*; or

R.S.O. 1980, c. 91

(c) a security issued by a corporation to which the *Co-operative Corporations Act* applies.

Transaction voidable and vendor liable for damages

4. Every offer to purchase or agreement of purchase that is in contravention of subsection 2 (1) is voidable, up to the time the transaction is complete, at the option of the purchaser and the purchaser, whether he exercises his option or not, may claim damages from the vendor or any person who acted in the transaction as agent for the vendor in contravention of section 2.

Penalty

5.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year or, to both, or, if such person is a corporation, to a fine of not more than $100,000.

Idem

(2) Where a corporation is guilty of an offence under this Act, every director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $50,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing classes of dwelling units;

(b) exempting any dwelling unit or class of dwelling units from any provision of this Act; and

(c) prescribing conditions attaching to any exemption.

Scope of regulation

(2) Any exemption made under subsection (1) may be limited as to time or place, or both, and may exclude any place from the application of the exemption and may be subject to prescribed conditions.

Classes

(3) Any class prescribed under subsection (1) may be defined with respect to any attribute, quality or characteristic or combination thereof.

R.S.O. 1980, c. 84, s. 60, repealed

7. Section 60 of the *Condominium Act* is repealed.

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Residential Complex Sales Representation Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 114

An Act to amend the Employment Standards Act

Mr. Wrye

1st Reading November 9th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to prevent employers from requiring employees who suffer from complications of pregnancy to take early maternity leave rather than sick leave. (Clause 8 (c) of Regulation 282 of Revised Regulations of Ontario, 1980 provides that disability benefit plans may exclude employees who are on maternity leave from benefits).

Bill 114 1983

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 35, re-enacted

35. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under section 36, but the employer may require the employee to commence a leave of absence under section 36 at such time as the duties of her position cannot reasonably be performed by a pregnant woman in the course of a normal pregnancy or the performance of her work would be materially affected by a normal pregnancy. Pregnancy leave

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Employment Standards Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 115

An Act respecting the Rights of Non-Unionized Workers

Mr. Haggerty

1st Reading November 9th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to provide a low cost mechanism whereby a non-unionized worker may obtain a review by the Ontario Labour Relations Board where the worker is discharged or otherwise disciplined for cause and the contract of employment is silent on matters of discipline. At the present time, a non-unionized worker who is dismissed or otherwise disciplined for cause may have no right of action against his employer notwithstanding the fact that the discipline is, having regard to all of the circumstances, unduly harsh.

The Bill provides a two stage process for reviewing complaints involving harsh discipline. Initially, a labour relations officer would be appointed to effect a settlement which would be reduced to writing and which would have to be complied with according to its terms. Then, if no settlement is reached, or where settlement is not likely, the Ontario Labour Relations Board would inquire into the matter. The Board, if satisifed that the complaint is justified, will have the power to make an order substituting such penalty as is just and reasonable in the circumstances.

Bill 115 1983

An Act respecting the Rights of Non-Unionized Workers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "Board" means the Ontario Labour Relations Board;

(b) "complaint" means a complaint filed with the Board under subsection 2 (1).

2.—(1) Where an employee who has been discharged or otherwise disciplined for cause by his employer is of the opinion that the penalty is unduly harsh and where the employee's contract of employment is not governed by a collective agreement under the *Labour Relations Act* and does not contain a specific penalty for the infraction for which the discharge or other discipline was imposed, the employee may file a complaint with the Board. Complaint to O.L.R.B. R.S.O. 1980, c. 228

(2) Any regulations governing the practice and procedure of the Board apply, with necessary modifications, to a review under subsection 3 (2) and to a complaint. Procedure

(3) The Board may authorize a labour relations officer to inquire into a complaint. Inquiry by labour relations officer

(4) The labour relations officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter. Duties

(5) The labour relations officer shall report the results of his inquiry and endeavours to the Board. Report

(6) Where a labour relations officer is unable to effect a settlement of the complaint or where the Board in its discretion Remedy

considers it advisable to dispense with an inquiry by a labour relations officer, the Board may inquire into the complaint and where the Board is satisfied that the discharge or other discipline imposed was unduly harsh, the Board may, by order, substitute such other penalty for the discharge or other discipline as to the Board seems just and reasonable in all the circumstances.

Idem

(7) Without limiting the generality of subsection (6),

(a) where an employee has been discharged, the Board, in an order made under subsection (6), may order that the employee be reinstated in employment, with or without compensation or that the employee be compensated in lieu of reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer;

(b) where an employee has been suspended, the Board, in an order made under subsection (6), may order that the employee be compensated for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer.

Effect of settlement

3.—(1) Where a complaint has been settled whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed by the employer or his representative and the employee, the settlement is binding upon the employer and the employee and shall be complied with according to its terms.

Review of settlement

(2) Where either the employer or the employee alleges that the other party has breached any term of a settlement referred to in subsection (1), the employer or the employee, as the case may be, may apply to the Board for a review of the matter and the Board, after an inquiry, may order that,

(a) the employee or employer comply with the terms of the settlement; or

(b) vary the terms of the settlement and order compliance with the terms of the settlement as varied.

Enforcement of orders

4. Where either the employer or the employee has failed to comply with any of the terms of an order made under subsection 2 (6) or subsection 3 (2), the other party may, after the expiration of fourteen days from the date of the order or the date provided in the order for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the

Board shall file in the office of the Registrar of the Supreme Court a copy of the order, exclusive of the reasons therefor, if any, in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such.

No derogation of rights

5. The rights conferred by this Act are in addition to any other rights that an employee may have at law but, where a complaint is filed, any action brought by the employee in a court of law related to the discharge or discipline of the employee may be stayed pending the disposition of the matter by the Board.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Non-Unionized Workers Protection Act, 1983*.

Bill 116

An Act to amend the Regional Municipality of Hamilton-Wentworth Act

Mr. Cunningham

1st Reading November 9th, 1983

2nd Reading

3rd Reading

Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to permit qualified electors in The Regional Municipality of Hamilton-Wentworth to elect at large the chairman of the Region.

Bill 116 1983

An Act to amend the Regional Municipality of Hamilton-Wentworth Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed. s. 7, repealed

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11.—(1) The chairman shall be elected in the general municipal election at large. Chairman to be elected

(2) When a vacancy occurs in the office of a chairman within two years of a municipal election a new election shall be held. Vacancy

(3) When a vacancy occurs in the office of a chairman in the third year, the Regional Council shall at a general meeting elect a chairman, who may be one of the members of Regional Council or any other qualified elector in Hamilton-Wentworth, to hold office for the remainder of the term of his or her predecessor. Idem

(4) Should this necessitate a vacancy in an area municipality, the council of the area municipality of which he or she was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his or her predecessor. Idem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Regional Municipality of Hamilton-Wentworth Amendment Act, 1983*. Short title

Bill 117 **Government Bill**

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 117

An Act to amend the Telephone Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1.—Subsection 1. This is a housekeeping amendment that omits outmoded references to rules and regulations and recognizes that proceedings before the Commission may be initiated under the regulations made under the Act.

Subsection 2. The authority under section 26 of the Act for the Commission to make regulations is being removed (section 6 of the Bill), but the Commission is being given power to make orders in respect of many of the matters formerly able to be dealt with by regulation.

SECTION 2. The provision, as recast, requires orders to be under the seal of the Commission. It also clarifies the time when orders come into effect.

SECTION 3. The new provisions enable the Commission to make the rules governing its proceedings and to determine when a hearing is required.

SECTION 4. The section of the Act being deleted deals with approval of by-laws. The replacing provision is unrelated in subject-matter. It provides for guidelines to be set that are binding on the Commission.

SECTION 5. The change is housekeeping.

SECTION 6. Instead of the Commission making regulations governing telephone systems, the Commission will govern by way of orders. This power is complementary to the new power being given to the Lieutenant Governor in Council to make regulations.

SECTION 7. The requirement for the Commission's approval in determining the location of an exchange is being deleted.

SECTION 8. Self-explanatory.

SECTIONS 9 and 10. The requirement that by-laws must be approved by the Commission is being deleted.

SECTION 11. Self-explanatory.

SECTION 12. The Act now prohibits discrimination in providing services. The provision, as recast, permits discrimination where it can be justified on the basis of the use made of the system.

SECTION 13. The provision, as recast, drops the requirement for a depreciation fund.

Bill 117 1983

An Act to amend the Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 6 (1) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 6 (1), re-enacted

(1) The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act or under the regulations and, for such purposes, to make such orders and rules, to give such direction, to issue such certificates and perform all acts as it considers necessary. Jurisdiction of Commission

(2) Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(4) Without limiting the generality of subsections (1) and (2), the Commission has the jurisdiction to make orders, Jurisdiction to make orders

(a) setting out the terms and conditions to be in contracts between any class of telephone system and affiliated persons, and between any class of telephone system and other person offering telephone services;

(b) governing the nature and quality of any class of telephone services;

(c) concerning installation of and maintenance and access to telephone facilities;

(d) concerning accounts issued by any class of telephone system;

(e) regulating and controlling business procedures of any class of telephone system including,

(i) accounting methods,

(ii) costing methods, and

(iii) reporting of financial, construction and investment plans;

(f) requiring the provision of any class of telephone service to applicants therefor and setting out the terms thereof.

Order may be specific

(5) Any order of the Commission may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of any order.

s. 8, re-enacted

2. Section 8 of the said Act is repealed and the following substituted therefor:

When orders effective

8. All orders made by the Commission are effective upon being issued under the seal of the Commission by the secretary-registrar or another person designated by the chairman.

s. 9, amended

3. Section 9 of the said Act is amended by adding thereto the following subsections:

Procedural rules

(5) The Commission may make such rules governing the practice and procedure applicable to proceedings before it as it may from time to time consider necessary.

Application of R.S.O. 1980, c. 484

(6) The Commission may, in its sole discretion, determine whether it is necessary to hold a hearing but, when a hearing is held, the *Statutory Powers Procedure Act* applies.

s. 16, re-enacted

4. Section 16 of the said Act is repealed and the following substituted therefor:

Guidelines

16.—(1) The Lieutenant Governor in Council may by order binding on the Commission,

(a) set out criteria or guidelines to be applied by the Commission in deciding any matter subject to the jurisdiction of the Commission;

(b) require the Commission to undertake an investigation and make a report concerning any matter that in the opinion of the Lieutenant Governor in Council affects the provision of telephone services in Ontario, or to require the Commission to take any

action or perform any function within the jurisdiction of the Commission.

(2) An order made under clause (1) (a) does not bind the Commission in respect of a matter before the Commission at the time the order is made. Not retroactive

(3) All orders made under clause (1) (a) shall be published in *The Ontario Gazette*. Publication

5. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

22. An order of the Commission made under this Act is not a regulation within the meaning of the *Regulations Act*. Order not under R.S.O.1980, c. 446

6. Section 26 of the said Act is repealed and the following substituted therefor: s. 26, re-enacted

26.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing classes of telephone systems and classes of telephone services;

(b) prescribing terms and conditions and rules applicable to any class of telephone system and customers in respect of classes of telephone services;

(c) exempting any class of telephone system from the application of any section of this Act and prescribing conditions for the exemption;

(d) exempting any class of telephone service from any section of this Act and prescribing conditions for exemptions.

(2) Any regulation may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of the regulation. Application

7. Section 45 of the said Act is repealed and the following substituted therefor: s. 45, re-enacted

45. The council of an initiating municipality or the commissioners, as the case may be, shall determine the location of any exchange or switchboard of the system and any relocation of the same. Location of exchange

s. 61, amended

8. Section 61 of the said Act is amended by adding thereto the following subsection:

Increased revenues

(3) A municipal telephone system may, in extraordinary circumstances, with the approval of the Commission, earn greater revenues than provided for in this section where such revenues are used for the purpose of complying with an order of the Commission.

s. 71 (1), amended

9. Subsection 71 (1) of the said Act is amended by striking out "approved by the Commission and" in the sixteenth and seventeenth lines.

s. 88, re-enacted

10. Section 88 of the said Act is repealed and the following substituted therefor:

By-laws to be available for inspection

88. Every incorporated telephone company shall keep every by-law, special by-law or special resolution available for inspection at the head office of the company.

s. 105, amended

11. Section 105 of the said Act is amended by adding thereto the following subsection:

Rates to be just and reasonable

(3) Every rate or toll charged or levied by a telephone system shall be just and reasonable.

s. 106, re-enacted

12. Section 106 of the said Act is repealed and the following substituted therefor:

Service to be fair

106.—(1) No telephone system, in offering or providing a telephone service, shall,

(a) make an unwarranted discrimination against any person;

(b) give an undue advantage to any person; or

(c) subject any person to an undue disadvantage.

Onus on system

(2) Where it is alleged that a telephone system has committed an act mentioned in subsection (1), the onus of proving that the discrimination is warranted or that the advantage or disadvantage is not undue is on the telephone system.

Interpretation

(3) Charging different rates based on the nature of the use made of a telephone system is not a contravention of this section.

s. 108, re-enacted

13. Section 108 of the said Act is repealed and the following substituted therefor:

Rate of depreciation

108.—(1) Every telephone system and municipality shall file with the Commission its rates of depreciation in such form and containing such particulars as the Commission requires, and no telephone system or municipality shall employ a rate of depreciation that has not been filed with and approved by the Commission.

Changes

(2) The Commission may at any time require a telephone system or municipality to make such changes in the rates of depreciation as the Commission considers expedient.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Telephone Amendment Act, 1983*.

Bill 117

(Chapter 71
Statutes of Ontario, 1983)

An Act to amend the Telephone Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading	November 17th, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 117 1983

An Act to amend the Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 6 (1) of the *Telephone Act*, being chapter 496 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 6 (1), re-enacted

(1) The Commission has jurisdiction and power to hear and determine all applications made, proceedings instituted and matters brought before it under this Act or under the regulations and, for such purposes, to make such orders and rules, to give such direction, to issue such certificates and perform all acts as it considers necessary. Jurisdiction of Commission

(2) Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(4) Without limiting the generality of subsections (1) and (2), the Commission has the jurisdiction to make orders, Jurisdiction to make orders

(a) setting out the terms and conditions to be in contracts between any class of telephone system and affiliated persons, and between any class of telephone system and other person offering telephone services;

(b) governing the nature and quality of any class of telephone services;

(c) concerning installation of and maintenance and access to telephone facilities;

(d) concerning accounts issued by any class of telephone system;

(e) regulating and controlling business procedures of any class of telephone system including,

(i) accounting methods,

(ii) costing methods, and

(iii) reporting of financial, construction and investment plans;

(f) requiring the provision of any class of telephone service to applicants therefor and setting out the terms thereof.

Order may be specific

(5) Any order of the Commission may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of any order.

s. 8, re-enacted

2. Section 8 of the said Act is repealed and the following substituted therefor:

When orders effective

8. All orders made by the Commission are effective upon being issued under the seal of the Commission by the secretary-registrar or another person designated by the chairman.

s. 9, amended

3. Section 9 of the said Act is amended by adding thereto the following subsections:

Procedural rules

(5) The Commission may make such rules governing the practice and procedure applicable to proceedings before it as it may from time to time consider necessary.

Application of R.S.O. 1980, c. 484

(6) The Commission may, in its sole discretion, determine whether it is necessary to hold a hearing but, when a hearing is held, the *Statutory Powers Procedure Act* applies.

s. 16, re-enacted

4. Section 16 of the said Act is repealed and the following substituted therefor:

Guidelines

16.—(1) The Lieutenant Governor in Council may by order binding on the Commission,

(a) set out criteria or guidelines to be applied by the Commission in deciding any matter subject to the jurisdiction of the Commission;

(b) require the Commission to undertake an investigation and make a report concerning any matter that in the opinion of the Lieutenant Governor in Council affects the provision of telephone services in Ontario, or to require the Commission to take any

action or perform any function within the jurisdiction of the Commission.

(2) An order made under clause (1) (a) does not bind the Commission in respect of a matter before the Commission at the time the order is made. Not retroactive

(3) All orders made under clause (1) (a) shall be published in *The Ontario Gazette*. Publication

5. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

22. An order of the Commission made under this Act is not a regulation within the meaning of the *Regulations Act*. Order not under R.S.O.1980, c. 446

6. Section 26 of the said Act is repealed and the following substituted therefor: s. 26, re-enacted

26.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing classes of telephone systems and classes of telephone services;

(b) prescribing terms and conditions and rules applicable to any class of telephone system and customers in respect of classes of telephone services;

(c) exempting any class of telephone system from the application of any section of this Act and prescribing conditions for the exemption;

(d) exempting any class of telephone service from any section of this Act and prescribing conditions for exemptions.

(2) Any regulation may be general or particular in its application, may be limited as to time, place, type of service or any combination thereof and may exclude any place from the application of the regulation. Application

7. Section 45 of the said Act is repealed and the following substituted therefor: s. 45, re-enacted

45. The council of an initiating municipality or the commissioners, as the case may be, shall determine the location of any exchange or switchboard of the system and any relocation of the same. Location of exchange

s. 61, amended

8. Section 61 of the said Act is amended by adding thereto the following subsection:

Increased revenues

(3) A municipal telephone system may, in extraordinary circumstances, with the approval of the Commission, earn greater revenues than provided for in this section where such revenues are used for the purpose of complying with an order of the Commission.

s. 71 (1), amended

9. Subsection 71 (1) of the said Act is amended by striking out "approved by the Commission and" in the sixteenth and seventeenth lines.

s. 88, re-enacted

10. Section 88 of the said Act is repealed and the following substituted therefor:

By-laws to be available for inspection

88. Every incorporated telephone company shall keep every by-law, special by-law or special resolution available for inspection at the head office of the company.

s. 105, amended

11. Section 105 of the said Act is amended by adding thereto the following subsection:

Rates to be just and reasonable

(3) Every rate or toll charged or levied by a telephone system shall be just and reasonable.

s. 106, re-enacted

12. Section 106 of the said Act is repealed and the following substituted therefor:

Service to be fair

106.—(1) No telephone system, in offering or providing a telephone service, shall,

(a) make an unwarranted discrimination against any person;

(b) give an undue advantage to any person; or

(c) subject any person to an undue disadvantage.

Onus on system

(2) Where it is alleged that a telephone system has committed an act mentioned in subsection (1), the onus of proving that the discrimination is warranted or that the advantage or disadvantage is not undue is on the telephone system.

Interpretation

(3) Charging different rates based on the nature of the use made of a telephone system is not a contravention of this section.

s. 108, re-enacted

13. Section 108 of the said Act is repealed and the following substituted therefor:

Rate of depreciation

108.—(1) Every telephone system and municipality shall file with the Commission its rates of depreciation in such form and containing such particulars as the Commission requires, and no telephone system or municipality shall employ a rate of depreciation that has not been filed with and approved by the Commission.

Changes

(2) The Commission may at any time require a telephone system or municipality to make such changes in the rates of depreciation as the Commission considers expedient.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Telephone Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 118

An Act to amend the Legislative Assembly Retirement Allowances Act

The Hon. T. L. Wells
Minister of Intergovernmental Affairs

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Section 11 of the Act (in Part I) provides for spouse's allowances. The section is re-enacted to provide benefits similar to those provided by section 19 in Part II of the Act. Provision is also made for an allowance to the child or children of a former member who dies while receiving an allowance but is not survived by a spouse.

Section 4 of the Act states that Part I applies to a person who was a member of the Assembly on the 1st day of October, 1973 and a person who was a member before such date, but does not apply to a member who has elected to contribute under Part II.

The re-enacted section 11 is deemed to have come into force on the 12th day of July, 1977, the day that a similar amendment to section 19 (in Part II of the Act) came into force.

SECTION 2. Clause 14 (a) of the Act (in Part II) defines "average annual remuneration". Subclause (ii) of the definition is amended to refer to thirty-six months instead of three fiscal years as the basis for calculations.

SECTION 3.—Subsection 1. Subsections 18 (1) and (2) of the Act (in Part II) provide for an allowance or a deferred allowance upon compliance with the sixty year rule (in the case of a person who ceased to be a member before the 1st day of October, 1977) or the fifty-five year rule (in the case of a person who ceased to be a member on or after that date). Subsection 18 (4) of the Act deals with computation of the deferred allowance but refers only to the sixty year rule. The amendment adds the reference to the fifty-five year rule.

Subsection 2. Subsection 18 (5) of the Act relates to section 23 of the Act (in Part III) under which a former member of the House of Commons of Canada who becomes a contributor under the Act could pay into the Legislative Assembly Retirement Allowances Account in respect of the refund received for contributions related to the House of Commons superannuation plan and receive credit for the period of service represented by the amount paid.

Such a person could qualify for an allowance under subsection 18 (1) or a deferred allowance under subsection 18 (2) with less than thirty-six months of service as a member for the purpose of calculating average annual remuneration. The re-enacted subsection 18 (5) deals with such a situation.

SECTION 4.—Subsection 1. Subsection (1a) is added to section 19 (in Part II) of the Act to provide for an allowance to the child or children of a former member who dies while receiving an allowance but who is not survived by a spouse.

Subsection 2. Section 18 of the Act provides for an allowance to a person who satisfies either the sixty year rule (in the case of a person who ceased to be a member before the 1st day of October, 1977) or the fifty-five year rule (in the case of a person who ceased or who ceases to be a member on or after the 1st day of October, 1977). Subsection 19 (3) of the Act, in dealing with a spouse's allowance, refers to the sixty year rule but not the fifty-five year rule. The amendments correct this omission.

SECTION 5. Clause 32 (b) of the Act provides for prescribing tables by regulation. The amendment is complementary to the re-enactment of section 11.

Bill 118 1983

An Act to amend the Legislative Assembly Retirement Allowances Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 11, re-enacted

11.—(1) Where a former member who is receiving an allowance dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to, Spouse's allowance

(a) 60 per cent of the allowance that the former member was receiving at the date of his or her death; and

(b) in respect of each child under the age of eighteen years, to a maximum of three children of the former member, 10 per cent of the allowance that the former member was receiving at the date of his or her death.

(2) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained. Children's allowance

(3) Where a member dies, Computation of allowance

(a) leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to the greater of,

(i) an amount equal to 25 per cent of the annual indemnity of the member in effect immediately before his or her death, or

(ii) an amount equal to,

A. 60 per cent of the allowance that the member had earned to the date of his or her death, and

B. in respect of each of not more than three children of the member under the age of eighteen years, 10 per cent of the allowance that the member had earned to the date of his or her death,

computed in the manner provided in section 6 or 9, as the case may be, but based on the member's service to the time of his or her death, and where the spouse dies leaving a child or children of the former member who at the date of the death of the spouse is or are under the age of eighteen years, an allowance equal to that paid or that would be paid to the spouse shall be paid to or for the child or children until such age is attained; or

(b) leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the member under clause (a) if the spouse had survived the member shall be paid to or for the child or children until such age is attained.

Option

(4) The spouse,

(a) of a person who had elected under section 6 or 9 to take a deferred allowance at age fifty-five but who died before attaining such age; or

(b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 6 or 9 but died before making the election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to,

(c) 60 per cent of the allowance to which the person would have been entitled at that time; and

(d) in respect of each child under the age of eighteen years, to a maximum of three children of the person, 10 per cent of the allowance to which the person would have been entitled at that time,

or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to the amount calculated in accordance with clauses (c) and (d) reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

Idem

(5) Where a person referred to in clause (4) (a) or (b) dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the immediate allowance provided for in subsection (4), reduced actuarially in accordance with the tables prescribed by the regulations for the purposes of subsection (4), shall be paid to or for the child or children until such age is attained.

Exception for higher education

(6) For the purposes of this section, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board of Internal Economy for the purposes of this section as a place of higher education shall be deemed not to have attained the age of eighteen years.

Application of s. 11

(2) Section 11 of the said Act, as re-enacted by subsection (1) of this section, applies in respect of every allowance payable under Part I of the said Act on or after the date on which this section is deemed to have come into force.

s. 14 (a) (ii), amended

2.—(1) Subclause 14 (a) (ii) of the said Act is amended,

(a) by striking out "three fiscal years" in the fifth line and inserting in lieu thereof "thirty-six months"; and

(b) by striking out "years" where it occurs the second time in the fifth line and inserting in lieu thereof "months".

Application of subclause as amended

(2) Subclause 14 (a) (ii) of the said Act, as amended by subsection (1) of this section, does not apply in respect of a person who became or who becomes entitled to an allowance under the said Act before the day this section comes into force.

s. 18 (4), amended

3.—(1) Subsection 18 (4) of the said Act is amended by inserting after "rule" in the third line "or the fifty-five year rule, as the case requires".

s. 18 (5), re-enacted

(2) Subsection 18 (5) of the said Act is repealed and the following substituted therefor:

Where service less than thirty-six months

(5) Where a person who is entitled to an allowance has been a contributor to the Legislative Assembly Retirement Allowances Account for less than thirty-six months, the allowance shall be based upon the person's average annual remuneration during the months that the person was a contributor to the Account.

s. 19, amended

4.—(1) Section 19 of the said Act is amended by adding thereto the following subsection:

Children's allowance

(1a) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained.

s. 19 (3), amended

(2) Subsection 19 (3) of the said Act is amended by inserting after "rule" in the fourth line and in the eleventh line "or the fifty-five year rule, as the case requires".

s. 32 (b), amended

5. Clause 32 (b) of the said Act is amended by inserting after "subsection 9 (4)" in the second line "section 11".

Commencement

6.—(1) This Act, except sections 1 and 4, shall be deemed to have come into force on the 1st day of April, 1981.

Idem

(2) Sections 1 and 4 shall be deemed to have come into force on the 12th day of July, 1977.

Short title

7. The short title of this Act is the *Legislative Assembly Retirement Allowances Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 119

An Act to amend certain Acts respecting Regional Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities and is divided into the following Parts:

PART	SECTIONS
I — Durham	1- 6
II — Haldimand-Norfolk	7-11
III — Halton	12-17
IV — Hamilton-Wentworth	18-23
V — Niagara	24-29
VI — Ottawa-Carleton	30-33
VII — Peel	34-39
VIII — Sudbury	40-47
IX — Waterloo	48-52
X — York	53-58

Paragraphs 1, 2, 3 and 4 describe amendments that are common to all ten of the regional municipalities.

Paragraph 5 describes amendments that are common to all of the regional municipalities except The Regional Municipality of Ottawa-Carleton.

Paragraphs 6 to 11 describe amendments related only to the regional municipalities named in the particular paragraphs.

1. **SECTIONS 1, 7, 12, 18, 25, 30, 34, 40, 48, 53.**

The proposed amendments delete obsolete references to sections 63 and 64 of the *Municipal Act*. The said sections were repealed by the *Municipal Conflict of Interest Act, 1983*.

2. **SECTIONS 4, 9, 14, 21, 27, 31, 37, 44, 50, 55.**

Until 1982, each Regional Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, each Act was amended and provisions related to reserves were deleted. The re-enactments restore the requirement to provide for reserves, but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

3. **SECTIONS 5, 10, 15, 22, 28, 32, 38, 45, 51, 56.**

Subsection 1. Sections 104a and 128 are added as sections of the *Municipal Act* that apply to the regional municipalities. Section 104a clarifies the ability of a municipal council to enact enforceable bilingual by-laws and to conduct its proceedings in English or French or English and French. Section 128 permits a municipal council to hold meetings outside of the municipality during times of war, invasion or insurrection and to acquire property for that purpose.

Subsection 2. (Subsection 3 in section 38). Obsolete references to the alteration of the boundaries of area municipalities are deleted.

4. **SECTIONS 6, 11, 16, 23, 29, 33, 39, 47, 52, 57.**

Each Regional Council was authorized to establish an emergency measures civil defence organization and provide funding therefor. Because of the enactment of the *Emergency Plans Act, 1983*, the relevant provisions are now obsolete and it is proposed that they be repealed.

5. **SECTIONS 2, 8, 13, 19, 26, 35, 41, 49, 54.**

Under each Act, the regional clerk is required to supply copies of municipal documents and must charge a rate of 15 cents for each 100 words or such lower rate as the Regional Council may fix. The amendment will give each of the regional municipalities the same flexibility as

local and county municipalities and The Regional Municipality of Ottawa-Carleton now have with respect to charging fees for photocopying.

6. **Regional Municipalities of Durham, Hamilton-Wentworth and Peel.**

SECTIONS 3, 20 and 36. The proposed amendments dissolve the existing boards of health in each of the three Regional Areas, effective the 1st day of January, 1983, and transfer their powers, rights and duties to the Regional Corporation. The Regional Corporations will be required to offer employment to the employees of the boards of health.

7. **Regional Municipality of Halton.**

SECTION 17. The proposed amendments to section 124 of the Regional Act will enable the Regional Council to delegate to the council of an area municipality the authority to engage in the promotion of the area municipality as an industrial, agricultural, educational, residential or vacation centre.

8. **Regional Municipality of Niagara.**

SECTION 24. The re-enactment of subsection 7 (1) of the Regional Act deletes an obsolete reference to a two year term of the Regional Council.

9. **Regional Municipality of Peel.**

SECTION 38. The re-enactment of subsection 117 (2) of the Regional Act corrects an error in the references to the applicable subsections of section 219 of the *Municipal Act*. (See also paragraph 3 above.)

10. **Regional Municipality of Sudbury.**

The re-enactment of subsection 27 (1) of the Act is complementary to the enactment of sections 27a to 27c as described below. The proposed subsection 27 (1a) corrects an omission in subsection 27 (1) of the Act, as it was re-enacted by the Statutes of Ontario, 1983, chapter 5, and restores the jurisdiction of the Regional Council over site plan control.

SECTIONS 42 and 43. At the present time the Regional Council has exclusive jurisdiction over planning matters in the Regional Area. Under the proposed section 27a, the Regional Council will be authorized to delegate certain planning powers to the area municipalities. Section 27b authorizes the council of an area municipality to establish a planning advisory committee where planning powers have been delegated to the area municipality. Section 27c allows area municipalities to enter subdivision agreements and to impose conditions related to consents for severances given by the Regional Corporation.

SECTION 46. Paragraphs 142 to 144c of section 210 of the *Municipal Act* are added as provisions that apply to the Regional Council. The amendment extends the Regional Council's powers with respect to the erection and location of signs.

11. **Regional Municipality of York.**

SECTION 58. The re-enactment corrects an error in the reference to the applicable paragraph of section 208 of the *Municipal Act*.

Bill 119 1983

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Subsection 17 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 17 (1), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

2. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

3. Sections 83 and 85 of the said Act are repealed and the following substituted therefor: s. 83, re-enacted; s. 85, repealed

83.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Durham Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Durham Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem
R.S.O. 1980, c. 409

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Durham Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Durham Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 96 (2), re-enacted

4. Subsection 96 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 86, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 129 (1), re-enacted

5.—(1) Subsection 129 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 89, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 129 (3), re-enacted

(2) Subsection 129 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 do not apply to any area municipality.

s. 130, repealed

6. Section 130 of the said Act is repealed.

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 17 (1), amended

7.—(1) Subsection 17 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

8. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 78 (2), re-enacted

9. Subsection 78 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 95, is repealed and the following substituted therefor:

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

10.—(1) Subsection 111 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 98, is repealed and the following substituted therefor: s. 111 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 111 (4) of the said Act is repealed and the following substituted therefor: s. 111 (4), re-enacted

(4) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

11. Section 113 of the said Act is repealed. s. 113, repealed

PART III

REGIONAL MUNICIPALITY OF HALTON

12.—(1) Subsection 17 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 17 (1), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

13. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

14. Subsection 89 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 68, is repealed and the following substituted therefor: s. 89 (2), re-enacted

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 122 (1), re-enacted

15.—(1) Subsection 122 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 71, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 122 (3), re-enacted

(2) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 123, repealed

16. Section 123 of the said Act is repealed.

s. 124 (2), re-enacted

17. Subsection 124 (2) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Delegation of authority

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*.

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 16 (1), amended

18.—(1) Subsection 16 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Stat-

utes of Ontario, 1980, is amended by striking out "63" in the first line.

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

19. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

20. Sections 80 and 81 of the said Act are repealed and the following substituted therefor: s. 80, re-enacted; s. 81, repealed

80.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Hamilton-Wentworth Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Hamilton-Wentworth Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed local board

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Hamilton-Wentworth Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including

the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (1, 2, 4)

(14) Subsections 24 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Hamilton-Wentworth Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 100 (2), re-enacted

21. Subsection 100 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 77, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 133 (1), re-enacted

22.—(1) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 80, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 133 (3), re-enacted

(2) Subsection 133 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 135, repealed

23. Section 135 of the said Act is repealed.

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 7 (1), re-enacted

24. Subsection 7 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Elections

(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same time and in the same manner as the election of the mayor of such area municipality.

s. 16 (1), amended

25.—(1) Subsection 16 (1) of the said Act is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

26. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 127 (2), re-enacted

27. Subsection 127 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 22, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 161 (1), re-enacted

28.—(1) Subsection 161 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 25, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII,

XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(2) Subsection 161 (2) of the said Act is repealed and the following substituted therefor: s. 161 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

29. Section 162 of the said Act is repealed. s. 162, repealed

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

30.—(1) Subsection 20 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 20 (1), amended

(2) Subsection 20 (2) of the said Act is amended by striking out "64" in the first line. s. 20 (2), amended

31. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 10, is repealed and the following substituted therefor: s. 120 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

32.—(1) Subsection 163 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 13, is repealed and the following substituted therefor: s. 163 (1), re-enacted

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 163 (2) of the said Act is repealed and the following substituted therefor: s. 163 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

s. 165, repealed

33. Section 165 of the said Act is repealed.

PART VII

REGIONAL MUNICIPALITY OF PEEL

s. 17 (1), amended

34.—(1) Subsection 17 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

35. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 64, re-enacted; s. 65, repealed

36. Sections 64 and 65 of the said Act are repealed and the following substituted therefor:

Health unit and Board dissolved

64.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Peel Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Peel Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board.

Regional Corporation to have powers, etc., of local board of health

R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected

pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Peel Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Peel Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 84 (2), re-enacted

37. Subsection 84 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 59, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 117 (1), re-enacted

38.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 62, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX

of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor: s. 117 (2), re-enacted

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of an area municipality may exercise the powers contained in subsections 219 (6), (7) and (8) of that Act as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1980, c. 302

(3) Subsection 117 (3) of the said Act is repealed and the following substituted therefor: s. 117 (3), re-enacted

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

39. Section 118 of the said Act is repealed. s. 118, repealed

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

40.—(1) Subsection 16 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

41. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

42. Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 5, is repealed and the following substituted therefor: s. 27 (1), re-enacted

(1) In addition to the powers given to the Regional Council under the *Planning Act, 1983*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act, 1983*. Powers of Regional Council under 1983, c. 1

Powers of Regional Council under R.S.O. 1980, c. 379

(1a) The Regional Council may exercise all the powers of a local municipality under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and no area municipality, except as provided in this Part, shall exercise any such powers.

ss. 27a, 27b, 27c, enacted

43. Part V of the said Act is amended by adding thereto the following sections:

Delegation of powers to area municipalities

27a. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44 and 68 of the *Planning Act, 1983* as the Regional Council may determine.

1983, c. 1

Planning advisory committee

27b. Section 8 of the *Planning Act, 1983* applies to the council of an area municipality where a power has been delegated to the area municipality under section 27a.

Subdivision agreements

27c.—(1) Subsections 50 (6), (7), (8), (9), (10), (11), (12) and (17) of the *Planning Act, 1983* apply to every area municipality and the councils thereof.

Consents

(2) Subsections 50 (6), (7), (9), (10), (11) and (12) and 52 (14) of the *Planning Act, 1983* apply to every area municipality and the councils thereof in respect of consents given by the Regional Corporation under section 52 of that Act.

s. 70 (2), re-enacted

44. Subsection 70 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 50, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 103 (1), re-enacted

45.—(1) Subsection 103 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 53, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and

XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(2) Subsection 103 (3) of the said Act is repealed and the following substituted therefor: s. 103 (3), re-enacted

(3) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act*, do not apply to any area municipality. Exceptions

46. Subsection 104 (1) of the said Act is repealed and the following substituted therefor: s. 104 (1), re-enacted

(1) Paragraphs 81, 141, 142, 143, 144, 144a, 144b, 144c, 145, 146, 154, 155 and 156 of section 210, paragraph 8 of subsection 230 (1) and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 232 of the *Municipal Act* apply with necessary modifications to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs. Application of R.S.O. 1980, c. 302

47. Section 105 of the said Act is repealed. s. 105, repealed

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

48.—(1) Subsection 16 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

49. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

50. Subsection 117 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 41, is repealed and the following substituted therefor: s. 117 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

s. 151 (1), re-enacted

51.—(1) Subsection 151 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 44, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 151 (2), re-enacted

(2) Subsection 151 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 152, repealed

52. Section 152 of the said Act is repealed.

PART X

REGIONAL MUNICIPALITY OF YORK

s. 16 (1), amended

53.—(1) Subsection 16 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

54. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 120 (2), re-enacted

55. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 31, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 153 (1), re-enacted

56.—(1) Subsection 153 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 34, is repealed and the following substituted therefor:

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 153 (2) of the said Act is repealed and the following substituted therefor: s. 153 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

57. Section 154 of the said Act is repealed. s. 154, repealed

58. Subsection 173 (3) of the said Act is repealed and the following substituted therefor: s. 173 (3), re-enacted

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

59.—(1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 20 and 36 come into force on the 1st day of January, 1984. Idem

(3) Sections 2, 8, 13, 19, 26, 35, 41, 49 and 54 come into force on the 1st day of March, 1984. Idem

(4) Sections 4, 9, 14, 21, 27, 31, 37, 44, 50 and 55 shall be deemed to have come into force on the 1st day of January, 1975. Idem

(5) Section 58 shall be deemed to have come into force on the 1st day of August, 1981. Idem

(6) Section 42 shall be deemed to have come into force on the 1st day of August, 1983. Idem

60. The short title of this Act is the *Regional Municipalities Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 119

An Act to amend certain Acts respecting Regional Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 17th, 1983
2nd Reading December 12th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities and is divided into the following Parts:

PART	SECTIONS
I — Durham	1- 7
II — Haldimand-Norfolk	8-13
III — Halton	14-19
IV — Hamilton-Wentworth	20-25
V — Niagara	26-32
VI — Ottawa-Carleton	33-36
VII — Peel	37-42
VIII — Sudbury	43-50
IX — Waterloo	51-55
X — York	56-61

Paragraphs 1, 2, 3 and 4 describe amendments that are common to all ten of the regional municipalities.

Paragraph 5 describes amendments that are common to all of the regional municipalities except The Regional Municipality of Ottawa-Carleton.

Paragraphs 6 to 11 describe amendments related only to the regional municipalities named in the particular paragraphs.

1. **SECTIONS 1, 8, 14, 20, 27, 33, 37, 43, 51, 56.**

The proposed amendments delete obsolete references to sections 63 and 64 of the *Municipal Act*. The said sections were repealed by the *Municipal Conflict of Interest Act, 1983*.

2. **SECTIONS 4, 11, 16, 23, 30, 34, 40, 47, 53, 58.**

Until 1982, each Regional Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, each Act was amended and provisions related to reserves were deleted. The re-enactments restore the requirement to provide for reserves, but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

3. **SECTIONS 5, 12, 17, 24, 31, 35, 41, 48, 54, 59.**

Subsection 1. Sections 104a and 128 are added as sections of the *Municipal Act* that apply to the regional municipalities. Section 104a clarifies the ability of a municipal council to enact enforceable bilingual by-laws and to conduct its proceedings in English or French or English and French. Section 128 permits a municipal council to hold meetings outside of the municipality during times of war, invasion or insurrection and to acquire property for that purpose.

Subsection 2. (Subsection 3 in section 41). Obsolete references to the alteration of the boundaries of area municipalities are deleted.

4. **SECTIONS 6, 13, 18, 25, 32, 36, 42, 50, 55, 60.**

Each Regional Council was authorized to establish an emergency measures civil defence organization and provide funding therefor. Because of the enactment of the *Emergency Plans Act, 1983*, the relevant provisions are now obsolete and it is proposed that they be repealed.

5. **SECTIONS 2, 9, 15, 21, 28, 38, 44, 52, 57.**

Under each Act, the regional clerk is required to supply copies of municipal documents and must charge a rate of 15 cents for each 100 words or such lower rate as the Regional Council may fix. The amendment will give each of the regional municipalities the same flexibility as

local and county municipalities and The Regional Municipality of Ottawa-Carleton now have with respect to charging fees for photocopying.

6. **Regional Municipalities of Durham, Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Peel.**

SECTIONS 3, 10, 22, 29 and 39. The proposed amendments dissolve the existing boards of health in each of the five Regional Areas, effective the 1st day of January, 1983, and transfer their powers, rights and duties to the Regional Corporation. The Regional Corporations will be required to offer employment to the employees of the boards of health.

7. **Regional Municipalities of Durham and Halton.**

SECTIONS 7 and 19. The proposed amendments will enable the two Regional Councils to delegate to the council of an area municipality the authority to engage in the promotion of the area municipality as an industrial, agricultural, educational, residential or vacation centre.

8. **Regional Municipality of Niagara.**

SECTION 26. The re-enactment of subsection 7 (1) of the Regional Act deletes an obsolete reference to a two year term of the Regional Council.

9. **Regional Municipality of Peel.**

SECTION 41. The re-enactment of subsection 117 (2) of the Regional Act corrects an error in the references to the applicable subsections of section 219 of the *Municipal Act*. (See also paragraph 3 above.)

10. **Regional Municipality of Sudbury.**

SECTIONS 45 and 46. The re-enactment of subsection 27 (1) of the Act is complementary to the enactment of sections 27a to 27c as described below. The proposed subsection 27 (1a) corrects an omission in subsection 27 (1) of the Act, as it was re-enacted by the Statutes of Ontario, 1983, chapter 5, and restores the jurisdiction of the Regional Council over site plan control.

At the present time the Regional Council has exclusive jurisdiction over planning matters in the Regional Area. Under the proposed section 27a, the Regional Council will be authorized to delegate certain planning powers to the area municipalities. Section 27b authorizes the council of an area municipality to establish a planning advisory committee where planning powers have been delegated to the area municipality. Section 27c allows area municipalities to enter subdivision agreements and to impose conditions related to consents for severances given by the Regional Corporation.

SECTION 49. Paragraphs 142 to 144c of section 210 of the *Municipal Act* are added as provisions that apply to the Regional Council. The amendment extends the Regional Council's powers with respect to the erection and location of signs.

11. **Regional Municipality of York.**

SECTION 61. The re-enactment corrects an error in the reference to the applicable paragraph of section 208 of the *Municipal Act*.

Bill 119 1983

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Subsection 17 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 17 (1), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

2. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

3. Sections 83 and 85 of the said Act are repealed and the following substituted therefor: s. 83, re-enacted; s. 85, repealed

83.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Durham Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Durham Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Durham Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Durham Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 96 (2), re-enacted

4. Subsection 96 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 86, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 129 (1), re-enacted

5.—(1) Subsection 129 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 89, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 129 (3), re-enacted

(2) Subsection 129 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 do not apply to any area municipality.

s. 130, repealed

6. Section 130 of the said Act is repealed.

s. 131 (2), re-enacted

7. Subsection 131 (2) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Delegation of authority

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*.

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 17 (1), amended

8.—(1) Subsection 17 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Stat-

utes of Ontario, 1980, is amended by striking out "63" in the first line.

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

9. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

10. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: s. 58, re-enacted; s. 59, repealed

58.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Haldimand-Norfolk Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Haldimand-Norfolk Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed local board

Clerk deemed secretary of local board of health R.S.O. 1980, c. 409

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1980, c. 409

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Haldimand-Norfolk Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including

the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 26 (1, 2, 4)

(14) Subsections 26 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Haldimand-Norfolk Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 78 (2), re-enacted

11. Subsection 78 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 95, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 111 (1), re-enacted

12.—(1) Subsection 111 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 98, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 111 (4), re-enacted

(2) Subsection 111 (4) of the said Act is repealed and the following substituted therefor:

Exceptions

(4) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 113, repealed

13. Section 113 of the said Act is repealed.

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 17 (1), amended

14.—(1) Subsection 17 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

15. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 89 (2), re-enacted

16. Subsection 89 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 68, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 122 (1), re-enacted

17.—(1) Subsection 122 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 71, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 122 (3), re-enacted

(2) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

18. Section 123 of the said Act is repealed. s. 123, repealed

19. Subsection 124 (2) of the said Act is repealed and the following substituted therefor: s. 124 (2), re-enacted

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. Application of R.S.O. 1980, c. 302

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*. Delegation of authority

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

20.—(1) Subsection 16 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

21. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

22. Sections 80 and 81 of the said Act are repealed and the following substituted therefor: s. 80, re-enacted; s. 81, repealed

80.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Hamilton-Wentworth Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Hamilton-Wentworth Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem
R.S.O. 1980, c. 409

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Hamilton-Wentworth Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (1, 2, 4)

(14) Subsections 24 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Hamilton-Wentworth Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 100 (2), re-enacted

23. Subsection 100 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 77, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 133 (1), re-enacted

24.—(1) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 80, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 133 (3), re-enacted

(2) Subsection 133 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 135, repealed

25. Section 135 of the said Act is repealed.

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 7 (1), re-enacted

26. Subsection 7 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Elections

(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same time and in the same manner as the election of the mayor of such area municipality.

s. 16 (1), amended

27.—(1) Subsection 16 (1) of the said Act is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

28. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such

lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

29. Sections 106 and 107 of the said Act are repealed and the following substituted therefor: **s. 106, re-enacted; s. 107, repealed**

106.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the board of health of the Regional Area health unit are dissolved, and the assets and liabilities of the board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the board for the purposes of any agreements entered into, orders made, or matters commenced by the board, and for the purposes of any proceedings which have been or may be instituted against the board. Health unit and board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed local board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*. Clerk deemed secretary of local board of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Application of R.S.O. 1980, c. 409

Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act,* and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act,* and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the board of health of the Regional Area health unit, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (2, 3, 5)

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the board of health of the Regional Area health unit.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 127 (2), re-enacted

30. Subsection 127 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 22, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 161 (1), re-enacted

31.—(1) Subsection 161 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 25, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 161 (2), re-enacted

(2) Subsection 161 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 162, repealed

32. Section 162 of the said Act is repealed.

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 20 (1), amended

33.—(1) Subsection 20 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes

of Ontario, 1980, is amended by striking out "63" in the first line.

s. 20 (2), amended

(2) Subsection 20 (2) of the said Act is amended by striking out "64" in the first line.

s. 120 (2), re-enacted

34. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 10, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 163 (1), re-enacted

35.—(1) Subsection 163 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 13, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 163 (2), re-enacted

(2) Subsection 163 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 165, repealed

36. Section 165 of the said Act is repealed.

PART VII

REGIONAL MUNICIPALITY OF PEEL

s. 17 (1), amended

37.—(1) Subsection 17 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

38. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth

and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

39. Sections 64 and 65 of the said Act are repealed and the following substituted therefor: s. 64, re-enacted; s. 65, repealed

64.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Peel Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Peel Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed local board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*. Clerk deemed secretary of local board of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Application of R.S.O. 1980, c. 409

Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Peel Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Peel Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 84 (2), re-enacted

40. Subsection 84 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 59, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 117 (1), re-enacted

41.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 62, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 117 (2), re-enacted

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

Loans re sewer and water connections R.S.O. 1980, c. 302

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of an area municipality may exercise the powers contained in subsections 219 (6), (7) and (8) of that Act as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 117 (3), re-enacted

(3) Subsection 117 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 118, repealed

42. Section 118 of the said Act is repealed.

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 16 (1), amended

43.—(1) Subsection 16 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

44. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 27 (1), re-enacted

45. Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 5, is repealed and the following substituted therefor:

Powers of Regional Council under 1983, c. 1

(1) In addition to the powers given to the Regional Council under the *Planning Act, 1983*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act, 1983*.

Powers of Regional Council under R.S.O. 1980, c. 379

(1a) The Regional Council may exercise all the powers of a local municipality under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and no area municipality, except as provided in this Part, shall exercise any such powers.

ss. 27a, 27b, 27c, enacted

46. Part V of the said Act is amended by adding thereto the following sections:

Delegation of powers to area municipalities

27a. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44 and 68 of the *Planning Act, 1983* as the Regional Council may determine.

1983, c. 1

27b. Section 8 of the *Planning Act, 1983* applies to the council of an area municipality where a power has been delegated to the area municipality under section 27a. Planning advisory committee 1983, c. 1

27c.—(1) Subsections 50 (6), (7), (8), (9), (10), (11), (12) and (17) of the *Planning Act, 1983* apply to every area municipality and the councils thereof. Subdivision agreements

(2) Subsections 50 (6), (7), (9), (10), (11) and (12) and 52 (14) of the *Planning Act, 1983* apply to every area municipality and the councils thereof in respect of consents given by the Regional Corporation under section 52 of that Act. Consents

47. Subsection 70 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 50, is repealed and the following substituted therefor: s. 70 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

48.—(1) Subsection 103 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 53, is repealed and the following substituted therefor: s. 103 (1), re-enacted

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 103 (3) of the said Act is repealed and the following substituted therefor: s. 103 (3), re-enacted

(3) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act*, do not apply to any area municipality. Exceptions

49. Subsection 104 (1) of the said Act is repealed and the following substituted therefor: s. 104 (1), re-enacted

(1) Paragraphs 81, 141, 142, 143, 144, 144a, 144b, 144c, 145, 146, 154, 155 and 156 of section 210, paragraph 8 of subsection 230 (1) and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 232 of the *Municipal Act* apply with necessary modifications to the Application of R.S.O. 1980, c. 302

Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

s. 105, repealed

50. Section 105 of the said Act is repealed.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 16 (1), amended

51.—(1) Subsection 16 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

52. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 117 (2), re-enacted

53. Subsection 117 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 41, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 151 (1), re-enacted

54.—(1) Subsection 151 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 44, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 151 (2), re-enacted

(2) Subsection 151 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

55. Section 152 of the said Act is repealed. s. 152, repealed

PART X

REGIONAL MUNICIPALITY OF YORK

56.—(1) Subsection 16 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

57. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

58. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 31, is repealed and the following substituted therefor: s. 120 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

59.—(1) Subsection 153 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 34, is repealed and the following substituted therefor: s. 153 (1), re-enacted

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 153 (2) of the said Act is repealed and the following substituted therefor: s. 153 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

60. Section 154 of the said Act is repealed. s. 154, repealed

s. 173 (3), re-enacted

61. Subsection 173 (3) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Commencement

62.—(1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 10, 22, 29 and 39 come into force on the 1st day of January, 1984.

Idem

(3) Sections 2, 9, 15, 21, 28, 38, 44, 52 and 57 come into force on the 1st day of March, 1984.

Idem

(4) Sections 4, 11, 16, 23, 30, 34, 40, 47, 53 and 58 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(5) Section 61 shall be deemed to have come into force on the 1st day of August, 1981.

Idem

(6) Section 45 shall be deemed to have come into force on the 1st day of August, 1983.

Short title

63. The short title of this Act is the *Regional Municipalities Amendment Act, 1983*.

Bill 119

(Chapter 72
Statutes of Ontario, 1983)

An Act to amend certain Acts respecting Regional Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	November 17th, 1983
2nd Reading	December 12th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 119 1983

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Subsection 17 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 17 (1), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

2. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

3. Sections 83 and 85 of the said Act are repealed and the following substituted therefor: s. 83, re-enacted; s. 85, repealed

83.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Durham Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Durham Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Durham Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Durham Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 96 (2), re-enacted

4. Subsection 96 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 86, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 129 (1), re-enacted

5.—(1) Subsection 129 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 89, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 129 (3), re-enacted

(2) Subsection 129 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 do not apply to any area municipality.

s. 130, repealed

6. Section 130 of the said Act is repealed.

s. 131 (2), re-enacted

7. Subsection 131 (2) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Delegation of authority

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*.

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 17 (1), amended

8.—(1) Subsection 17 (1) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Stat-

utes of Ontario, 1980, is amended by striking out "63" in the first line.

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line. s. 17 (2), amended

9. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 19 (1), amended

10. Sections 58 and 59 of the said Act are repealed and the following substituted therefor: s. 58, re-enacted; s. 59, repealed

58.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Haldimand-Norfolk Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Haldimand-Norfolk Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*. Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation. Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality. Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*. Deemed local board

Clerk deemed secretary of local board of health R.S.O. 1980, c. 409

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1980, c. 409

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Haldimand-Norfolk Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including

the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 26 (1, 2, 4)

(14) Subsections 26 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Haldimand-Norfolk Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 78 (2), re-enacted

11. Subsection 78 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 95, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 111 (1), re-enacted

12.—(1) Subsection 111 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 98, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 111 (4), re-enacted

(2) Subsection 111 (4) of the said Act is repealed and the following substituted therefor:

Exceptions

(4) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 113, repealed

13. Section 113 of the said Act is repealed.

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 17 (1), amended

14.—(1) Subsection 17 (1) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

15. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 89 (2), re-enacted

16. Subsection 89 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 68, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 122 (1), re-enacted

17.—(1) Subsection 122 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 71, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 122 (3), re-enacted

(2) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

18. Section 123 of the said Act is repealed. s. 123, repealed

19. Subsection 124 (2) of the said Act is repealed and the following substituted therefor: s. 124 (2), re-enacted

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and, subject to subsection (2a), no area municipality shall exercise any such powers, except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. Application of R.S.O. 1980, c. 302

(2a) The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of an area municipality to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 of the *Municipal Act*. Delegation of authority

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

20.—(1) Subsection 16 (1) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

21. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

22. Sections 80 and 81 of the said Act are repealed and the following substituted therefor: s. 80, re-enacted; s. 81, repealed

80.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Hamilton-Wentworth Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Hamilton-Wentworth Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Idem

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem
R.S.O. 1980, c. 409

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Hamilton-Wentworth Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (1, 2, 4)

(14) Subsections 24 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

Sick leave credits

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Hamilton-Wentworth Regional Board of Health.

Termination of employment

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause.

s. 100 (2), re-enacted

23. Subsection 100 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 77, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 133 (1), re-enacted

24.—(1) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 80, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 133 (3), re-enacted

(2) Subsection 133 (3) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 135, repealed

25. Section 135 of the said Act is repealed.

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 7 (1), re-enacted

26. Subsection 7 (1) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Elections

(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same time and in the same manner as the election of the mayor of such area municipality.

s. 16 (1), amended

27.—(1) Subsection 16 (1) of the said Act is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

28. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such

lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

29. Sections 106 and 107 of the said Act are repealed and the following substituted therefor:

s. 106, re-enacted; s. 107, repealed

106.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the board of health of the Regional Area health unit are dissolved, and the assets and liabilities of the board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the board for the purposes of any agreements entered into, orders made, or matters commenced by the board, and for the purposes of any proceedings which have been or may be instituted against the board.

Health unit and board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board of health

R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Deemed local board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the

Application of R.S.O. 1980, c. 409

Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the board of health of the Regional Area health unit, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 24 (2, 3, 5)

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the board of health of the Regional Area health unit. Sick leave credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

30. Subsection 127 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 22, is repealed and the following substituted therefor: s. 127 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

31.—(1) Subsection 161 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 25, is repealed and the following substituted therefor: s. 161 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 161 (2) of the said Act is repealed and the following substituted therefor: s. 161 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

32. Section 162 of the said Act is repealed. s. 162, repealed

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

33.—(1) Subsection 20 (1) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes s. 20 (1), amended

of Ontario, 1980, is amended by striking out "63" in the first line.

s. 20 (2), amended

(2) Subsection 20 (2) of the said Act is amended by striking out "64" in the first line.

s. 120 (2), re-enacted

34. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 10, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 163 (1), re-enacted

35.—(1) Subsection 163 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 13, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 163 (2), re-enacted

(2) Subsection 163 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 165, repealed

36. Section 165 of the said Act is repealed.

PART VII

REGIONAL MUNICIPALITY OF PEEL

s. 17 (1), amended

37.—(1) Subsection 17 (1) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

38. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth

and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

39. Sections 64 and 65 of the said Act are repealed and the following substituted therefor:

s. 64, re-enacted; s. 65, repealed

64.—(1) On the 1st day of January, 1984, the Regional Area health unit, and the Peel Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Peel Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board.

Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation to have powers, etc., of local board of health

R.S.O. 1980, c. 409

(3) The Regional Corporation shall be deemed to be a municipality for the purpose of the *Public Health Act*.

Deemed municipality

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Idem

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Deemed local board

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the

Application of R.S.O. 1980, c. 409

Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Idem

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Offer of employment

(13) The Regional Corporation shall offer to employ every person who on the 31st day of December, 1983, is employed by the Peel Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 31st day of December, 1984, of not less than he was receiving on the 31st day of December, 1983.

Application of s. 25 (1, 2, 4)

(14) Subsections 25 (1), (2) and (4) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 31st day of December, 1983, by a local board of a local municipality within the Regional Area.

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 31st day of December, 1983, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Peel Regional Board of Health. Sick leave credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. Termination of employment

40. Subsection 84 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 59, is repealed and the following substituted therefor: s. 84 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

41.—(1) Subsection 117 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 62, is repealed and the following substituted therefor: s. 117 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 117 (2) of the said Act is repealed and the following substituted therefor: s. 117 (2), re-enacted

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of an area municipality may exercise the powers contained in subsections 219 (6), (7) and (8) of that Act as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1980, c. 302

(3) Subsection 117 (3) of the said Act is repealed and the following substituted therefor: s. 117 (3), re-enacted

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

s. 118, repealed

42. Section 118 of the said Act is repealed.

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 16 (1), amended

43.—(1) Subsection 16 (1) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

44. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 27 (1), re-enacted

45. Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 5, is repealed and the following substituted therefor:

Powers of Regional Council under 1983, c. 1

(1) In addition to the powers given to the Regional Council under the *Planning Act, 1983*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act, 1983*.

Powers of Regional Council under R.S.O. 1980, c. 379

(1a) The Regional Council may exercise all the powers of a local municipality under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and no area municipality, except as provided in this Part, shall exercise any such powers.

ss. 27a, 27b, 27c, enacted

46. Part V of the said Act is amended by adding thereto the following sections:

Delegation of powers to area municipalities

27a. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under section 40 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, and sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44 and 68 of the *Planning Act, 1983* as the Regional Council may determine.

1983, c. 1

27b. Section 8 of the *Planning Act, 1983* applies to the council of an area municipality where a power has been delegated to the area municipality under section 27a. Planning advisory committee 1983, c. 1

27c.—(1) Subsections 50 (6), (7), (8), (9), (10), (11), (12) and (17) of the *Planning Act, 1983* apply to every area municipality and the councils thereof. Subdivision agreements

(2) Subsections 50 (6), (7), (9), (10), (11) and (12) and 52 (14) of the *Planning Act, 1983* apply to every area municipality and the councils thereof in respect of consents given by the Regional Corporation under section 52 of that Act. Consents

47. Subsection 70 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 50, is repealed and the following substituted therefor: s. 70 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

48.—(1) Subsection 103 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 26, section 53, is repealed and the following substituted therefor: s. 103 (1), re-enacted

(1) Sections 5, 104a, 105, 106, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 103 (3) of the said Act is repealed and the following substituted therefor: s. 103 (3), re-enacted

(3) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act*, do not apply to any area municipality. Exceptions

49. Subsection 104 (1) of the said Act is repealed and the following substituted therefor: s. 104 (1), re-enacted

(1) Paragraphs 81, 141, 142, 143, 144, 144a, 144b, 144c, 145, 146, 154, 155 and 156 of section 210, paragraph 8 of subsection 230 (1) and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 232 of the *Municipal Act* apply with necessary modifications to the Application of R.S.O. 1980, c. 302

Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs.

s. 105, repealed

50. Section 105 of the said Act is repealed.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 16 (1), amended

51.—(1) Subsection 16 (1) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line.

s. 16 (2), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line.

s. 18 (1), amended

52. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish".

s. 117 (2), re-enacted

53. Subsection 117 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 41, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary.

s. 151 (1), re-enacted

54.—(1) Subsection 151 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 44, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 151 (2), re-enacted

(2) Subsection 151 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

55. Section 152 of the said Act is repealed. s. 152, repealed

PART X

REGIONAL MUNICIPALITY OF YORK

56.—(1) Subsection 16 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "63" in the first line. s. 16 (1), amended

(2) Subsection 16 (2) of the said Act is amended by striking out "64" in the first line. s. 16 (2), amended

57. Subsection 18 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the tenth, eleventh and twelfth lines and inserting in lieu thereof "at such rate as the Regional Council may by by-law establish". s. 18 (1), amended

58. Subsection 120 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 31, is repealed and the following substituted therefor: s. 120 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Regional Council considers necessary. Allowance to be made in estimates

59.—(1) Subsection 153 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 26, section 34, is repealed and the following substituted therefor: s. 153 (1), re-enacted

(1) Sections 5, 104a, 105, 106, 110, 113, 114, 115, 116, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(2) Subsection 153 (2) of the said Act is repealed and the following substituted therefor: s. 153 (2), re-enacted

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality. Exceptions

60. Section 154 of the said Act is repealed. s. 154, repealed

s. 173 (3), re-enacted

61. Subsection 173 (3) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Commencement

62.—(1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 10, 22, 29 and 39 come into force on the 1st day of January, 1984.

Idem

(3) Sections 2, 9, 15, 21, 28, 38, 44, 52 and 57 come into force on the 1st day of March, 1984.

Idem

(4) Sections 4, 11, 16, 23, 30, 34, 40, 47, 53 and 58 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(5) Section 61 shall be deemed to have come into force on the 1st day of August, 1981.

Idem

(6) Section 45 shall be deemed to have come into force on the 1st day of August, 1983.

Short title

63. The short title of this Act is the *Regional Municipalities Amendment Act, 1983*.

Bill 120

An Act to repeal certain Private Acts related to Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill repeals numerous private Acts of various municipalities.

Bill 120 **1983**

An Act to repeal certain Private Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Repeal

1. The Acts listed in the Schedule hereto are hereby repealed.

Status not affected

2. A municipality incorporated by an Act listed in the Schedule and that was in existence immediately prior to the coming into force of this Act shall be deemed to be continued with the same status as it had immediately prior to the coming into force of this Act.

Boundaries not affected

3. Nothing in this Act affects the boundaries of any municipality as those boundaries existed immediately prior to the coming into force of this Act.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Municipal Private Acts Repeal Act, 1983*.

SCHEDULE

Acts Repealed

Municipality	Year and Chapter
Alliston, Town.....	1885, c.54; 1891, c.61; 1896, c.76; 1907, c.56; 1912, c.86; 1915, c.46; 1931, c.81;
Almonte, Town.....	1888, c.41; 1927, c.99; 1930, c.67; 1931, c.82; 1958, c.124;
Amabel, Township.....	1898, c.37;
Amherstburg, Town.....	1889, c.55; 1901, c.46; 1905, c.39; 1955, c.94;
Ancaster, Town.....	1931, c.83;
Arnprior, Town.....	1900, c.60; 1912, c.87; 1912, c.88; 1914, c.57; 1926, c.75; 1960-61, c.104;
Aylmer, Town.....	1890, c.79; 1914, c.58; 1926, c.76;
Bath, Village.....	1962-63, c.147;
Bayfield, Village.....	1927, c.100;
Bayham, Township.....	1868, c.50;
Belleville, City.....	1868, c.49; 1875-76, c.50; 1901, c.47; 1904, c.40; 1904, c.41; 1905, c.40; 1907, c.57; 1913, c.91; 1921, c.95; 1924, c.87; 1949, c.115; 1951, c.97; 1958, c.125; 1968-69, c.142;
Bonfield, Township.....	1940, c.36;
Bracebridge, Town.....	1868-69, c.56; 1891, c.62; 1903, c.43; 1903, c.44;
Brantford, City.....	1870-71, c.57; 1880, c.38; 1886, c.53; 1890, c.82; 1893, c.59; 1901, c.48; 1908, c.71; 1909, c.99; 1911, c.84; 1913, c.93; 1915, c.48; 1919, c.86; 1922, c.105; 1923, c.60; 1925, c.83; 1926, c.77; 1928, c.61; 1929, c.91; 1932, c.60; 1937, c.84; 1940, c.37;
Brockville, City.....	1878, c.30; 1889, c.58; 1892, c.64; 1899, c.41; 1906, c.64; 1915, c.49;

SCHEDULE (continued)

Municipality	Year and Chapter
Bruce, County.....	1878, c.31;
Bruce Mines, Town.....	1906, c.65;
Caledon, Town.....	1958, c.130;
Cambridge, City.....	1871-72, c.63; 1907, c.67; 1915, c.51; 1916, c.71; 1919, c.92; 1922, c.111; 1925, c.88; 1926, c.81; 1928, c.65; 1929, c.100; 1930, c.80; 1901, c.55; 1908, c.84; 1920, c.126; 1947, c.128; 1895, c.77; 1897, c.77; 1900, c.90; 1915, c.67; 1918, c.77; 1922, c.125; 1927, c.123;
Campbellford, Town.....	1890, c.84; 1903, c.45; 1910, c.111;
Capreol, Town.....	1929, c.92; 1931, c.87;
Cobourg, Town.....	1873, c.120; 1875-76, c.51; 1875-76, c.52; 1877, c.44; 1889, c.59; 1892, c.67; 1898, c.39; 1899, c.43; 1901, c.49; 1920, c.115; 1922, c.107; 1924, c.89; 1932, c.62; 1936, c.69;
Colchester North, Township.....	1887, c.47;
Collingwood, Town.....	1882-83, c.32; 1884, c.49; 1891, c.65; 1897, c.61; 1898, c.40; 1899, c.44; 1900, c.64; 1902, c.45; 1903, c.46; 1904, c.44; 1913, c.94; 1914, c.65; 1918, c.55; 1922, c.108; 1934, c.71; 1938, c.49; 1946, c.115;
Deseronto, Town.....	1903, c.48; 1930, c.72;
Dresden, Town.....	1902, c.47;
Dundas, Town.....	1871-72, c.69; 1871-72, c.70; 1877, c.45; 1878, c.72; 1899, c.46; 1909, c.103; 1912, c.94; 1919, c.89; 1919, c.90; 1924, c.92; 1931, c.90; 1937, c.86;
Durham, Town.....	1885, c.56; 1900, c.67; 1904, c.46; 1905, c.45; 1910, c.113;
Durham, Regional Municipality.....	1893, c.72; 1920, c.129; 1960-61, c.118; 1968, c.162; 1968-69, c.160;

SCHEDULE (continued)

Municipality	Year and Chapter
Eastnor, Township.....	1906, c.69;
East York, Borough.....	1923, c.99; 1925, c.119; 1926, c.106; 1927, c.137; 1927, c.138; 1929, c.96; 1930, c.75; 1932, c.66; 1933, c.76; 1935, c.79; 1937, c.88; 1938, c.51; 1939, c.58; 1942, c.43; 1943, c.40; 1951, c.99; 1965, c.150; 1967, c.112; 1913, c.102; 1920, c.127; 1930, c.85; 1944, c.77; 1956, c.107;
Eganville, Village.....	1916, c.69;
Eldon, Township.....	1887, c.50;
Essex, Town.....	1891, c.67; 1885, c.57;
Fenelon Falls, Village.....	1942, c.44;
Flos, Township.....	1894, c.65;
Fort Frances, Town.....	1906, c.72; 1912, c.152; 1928, c.113; 1934, c.83; 1935, c.81; 1957, c.136; 1958, c.134;
Goderich, Town.....	1892, c.71; 1898, c.41; 1899, c.49; 1899, c.50; 1900, c.70; 1902, c.50; 1903, c.54; 1905, c.50; 1924, c.99;
Gravenhurst, Town.....	1887, c.52; 1889, c.61; 1891, c.69; 1905, c.51;
Grimsby, Town.....	1875-76, c.41; 1905, c.52; 1905, c.53; 1916, c.72; 1919, c.93; 1923, c.64; 1962-63, c.164; 1882, c.33;
Haileybury, Town.....	1912, c.100; 1923, c.66; 1931, c.99;
Halton Hills, Town.....	1901, c.45; 1917, c.64; 1921, c.94; 1929, c.89; 1923, c.63; 1924, c.98; 1927, c.112; 1929, c.101; 1931, c.98; 1970, c.151;
Hamilton-Wentworth, Regional Municipality.....	1896, c.99; 1912, c.130;
Hanover, Town.....	1901, c.54; 1903, c.56; 1915, c.55;
Harriston, Town.....	1894, c.68; 1900, c.71; 1925, c.91; 1934, c.78;

SCHEDULE (continued)

Municipality	Year and Chapter
Hastings, County.....	1878, c.29; 1879, c.50;
Hawkesbury, Town.....	1923, c.67; 1925, c.92; 1931, c.101; 1965, c.154;
Hearst, Town.....	1962-63, c.168;
Howick, Township.....	1887, c.54;
Huron, County.....	1875-76, c.49; 1896, c.81;
Ingersoll, Town.....	1873, c.62; 1885, c.60; 1886, c.56; 1893, c.66; 1898, c.45; 1903, c.58; 1903, c.59; 1904, c.50; 1974, c.145;
Iroquois, Village.....	1922, c.114;
Iroquois Falls, Town	1947, c.121; 1960-61, c.107;
Kenora, Town.....	1907, c.71; 1908, c.87; 1909, c.108; 1910, c.117; 1911, c.92; 1912, c.103; 1913, c.100; 1932, c.76; 1890, c.101; 1887, c.62; 1898, c.50; 1900, c.91; 1901, c.67; 1902, c.62;
Kent, County.....	1936, c.72;
Kincardine, Town	1899, c.51; 1900, c.72; 1921, c.106; 1955, c.102;
King, Township.....	1901, c.57; 1939, c.61;
Kingston, City.....	1871-72, c.74; 1881, c.37; 1884, c.51; 1887, c.56; 1889, c.62; 1893, c.68; 1894, c.69; 1899, c.53; 1904, c.79; 1905, c.55; 1906, c.111; 1911, c.94; 1912, c.104; 1912, c.105; 1917, c.73; 1918, c.64; 1921, c.107; 1923, c.70; 1899, c.52;
Kitchener, City.....	1921, c.108; 1923, c.71; 1924, c.102; 1926, c.86; 1938, c.56; 1967, c.116; 1974, c.146; 1888, c.42; 1898, c.38; 1902, c.44; 1903, c.41; 1907, c.58; 1913, c.92; 1946, c.123;
Lake of Bays, Township.....	1908, c.92;

SCHEDULE (continued)

Municipality	Year and Chapter
Leamington, Town.....	1899, c.54; 1929, c.105;
Lincoln, Town.....	1885, c.55; 1903, c.40; 1908, c.70; 1911, c.81;
Lindsay, Town.....	1885, c.61; 1888, c.49; 1891, c.71; 1899, c.55; 1900, c.74; 1912, c.106; 1914, c.73; 1958, c.141; 1903, c.61; 1968-69, c.151;
Logan, Township.....	1871-72, c.65;
London, Township.....	1916, c.78;
Machar, Township.....	1903, c.64;
Markham, Town.....	1896, c.83;
Marmora, Village.....	1918, c.67; 1931, c.108;
Mersea, Township.....	1905, c.66;
Milverton, Village.....	1897, c.68; 1908, c.95;
Mississauga, City.....	1962-63, c.190; 1960, c.169;
Mitchell, Town.....	1893, c.71; 1897, c.69; 1968-69, c.157;
Moore, Township.....	1907, c.64; 1951, c.108;
Mornington, Township.....	1896, c.84;
Morrisburg, Village.....	1905, c.59;
Mount Forest, Town.....	1886, c.59; 1907, c.74; 1924, c.105;
Murray, Township.....	1967, c.120;
Nanticoke, City.....	1926, c.104; 1948, c.124;
Nepean, City.....	1922, c.118; 1929, c.108; 1936, c.76; 1939, c.65; 1961-62, c.158; 1961-62, c.159;

SCHEDULE (continued)

Municipality	Year and Chapter
Newcastle, Town.....	1874, 1st sess., c.71; 1886, c.52; 1888, c.44; 1893, c.58; 1905, c.41; 1906, c.63; 1911, c.82; 1914, c.60; 1916, c.66; 1919, c.85; 1959, c.111;
Newmarket, Town.....	1899, c.62; 1913, c.106;
Niagara-on-the-Lake, Town.....	1933, c.88; 1906, c.82; 1910, c.120;
Niagara, Regional Municipality.....	1962-63, c.171;
Norfolk, Township.....	1890, c.100; 1904, c.53;
North Bay, City.....	1898, c.48; 1904, c.54; 1908, c.119; 1913, c.127; 1912, c.109; 1913, c.107; 1914, c.77; 1915, c.61; 1924, c.109; 1928, c.73;
North York, City.....	1924, c.139;
Norwood, Village.....	1943, c.43;
Orillia, City.....	1890, c.95; 1891, c.76; 1914, c.81; 1921, c.114; 1924, c.112; 1947, c.134;
Oshawa, City.....	1875-76, c.55; 1916, c.84; 1919, c.100;
Ottawa, City.....	1950, c.110; 1961-62, c.165; 1968, c.165;
Owen Sound, City.....	1880, c.42; 1882, c.39; 1885, c.66; 1892, c.81; 1899, c.68; 1911, c.99; 1911, c.100; 1912, c.115; 1915, c.64; 1916, c.86; 1918, c.73; 1925, c.99; 1964, c.138;
Oxford, County.....	1869, c.43; 1874, c.72; 1878, c.36; 1882-83, c.38; 1887, c.60; 1894, c.77; 1904, c.60; 1907, c.81;
Paris, Town.....	1885, c.67; 1946, c.134; 1917, c.80;
Peel, Regional Municipality.....	1965, c.165; 1968, c.167; 1968-69, c.162;
Peterborough, County.....	1970, c.163;
Picton, Town.....	1906, c.90;

SCHEDULE (continued)

Municipality	Year and Chapter
Port Hope, Town.....	1868-69, c.71; 1874, 1st sess., c.77; 1875-76, c.59; 1882, c.41; 1886, c.64; 1895, c.74; 1895, c.75; 1908, c.106; 1910, c.125; 1928, c.76;
Prescott, Town.....	1895, c.76; 1899, c.74; 1900, c.89; 1905, c.70; 1934, c.92;
Richmond Hill, Town.....	1923, c.84; 1929, c.117; 1961-62, c.167;
Ridgetown, Town.....	1888, c.58;
Rochester, Township.....	1882-83, c.40;
Rockland, Town.....	1928, c.102; 1932, c.86;
Russell, Township.....	1914, c.89;
Scarborough, City.....	1920, c.141; 1931, c.125; 1933, c.98; 1938, c.68; 1944, c.83; 1949, c.140; 1962-63, c.185; 1978, c.144;
Scugog, Township.....	1896, c.90; 1900, c.88; 1907, c.85; 1958, c.149;
Simcoe, County.....	1868, c.47; 1877, c.41; 1880, c.43; 1881, c.47; 1898, c.53;
Smiths Falls, Town.....	1899, c.80; 1900, c.96; 1905, c.76; 1908, c.109; 1909, c.122; 1911, c.109; 1918, c.82; 1932, c.90; 1964, c.142;
St. Mary's, Town.....	1911, c.112; 1912, c.123;
Strathroy, Town.....	1879, c.76; 1882, c.45; 1893, c.82; 1900, c.99;
Sudbury, City.....	1952, c.125;
Thessalon, Town.....	1907, c.94;
Thorold, City.....	1897, c.79; 1908, c.111; 1919, c.109; 1930, c.104;
Tiny, Township.....	1894, c.82;
Tottenham, Village.....	1900, c.104;

SCHEDULE (continued)

Municipality	Year and Chapter
Trenton, City.....	1882, c.45; 1884, c.60; 1885, c.74; 1887, c.73; 1890, c.106; 1894, c.85; 1896, c.97; 1898, c.56; 1904, c.72; 1906, c.100; 1908, c.113; 1909, c.126; 1914, c.101; 1914, c.102; 1917, c.93; 1924, c.131; 1924, c.132;
Uxbridge, Township.....	1908, c.114;
Walkerton, Town.....	1890, c.107; 1896, c.98; 1898, c.57; 1915, c.77;
Wallace, Township.....	1890, c.109;
Wallaceburg, Town.....	1895, c.91; 1900, c.105; 1901, c.74; 1904, c.73; 1905, c.85; 1906, c.101; 1908, c.115; 1911, c.120; 1914, c.103; 1917, c.94; 1922, c.135; 1962-63, c.195;
West Carleton, Township.....	1976, c.108;
Whitby, Town.....	1885, c.75; 1895, c.92; 1899, c.88; 1903, c.87; 1905, c.86; 1911, c.121; 1925, c.116; 1873, c.59;
Whitchurch-Stouffville, Town.....	1978, c.149;
Wiarton, Town.....	1894, c.86; 1900, c.107; 1902, c.67; 1914, c.109; 1922, c.137;
Wilmot, Township.....	1902, c.52; 1966, c.162;
Wolford, Township.....	1870-71, c.56;
Wyoming, Village.....	1889, c.76;
York, City.....	1893, c.87; 1895, c.94; 1897, c.84; 1899, c.91; 1903, c.88; 1903, c.89; 1906, c.105; 1907, c.98; 1908, c.121; 1909, c.128; 1910, c.137; 1914, c.113; 1917, c.98; 1921, c.130; 1922, c.139; 1923, c.69; 1923, c.74; 1924, c.140; 1923, c.100; 1923, c.101; 1925, c.122; 1926, c.105; 1926, c.108; 1928, c.96; 1929, c.128; 1930, c.109; 1933, c.112; 1934, c.104; 1935, c.100; 1936, c.88; 1938, c.76; 1914, c.107; 1923, c.96; 1925, c.115; 1931, c.132; 1934, c.102; 1935, c.97; 1946, c.144;

Bill 120

(Chapter 73
Statutes of Ontario, 1983)

An Act to repeal certain Private Acts related to Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	November 17th, 1983
2nd Reading	December 12th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 120 1983

An Act to repeal certain Private Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Repeal

1. The Acts listed in the Schedule hereto are hereby repealed.

Status not affected

2. A municipality incorporated by an Act listed in the Schedule and that was in existence immediately prior to the coming into force of this Act shall be deemed to be continued with the same status as it had immediately prior to the coming into force of this Act.

Boundaries not affected

3. Nothing in this Act affects the boundaries of any municipality as those boundaries existed immediately prior to the coming into force of this Act.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Municipal Private Acts Repeal Act, 1983*.

SCHEDULE

Acts Repealed

Municipality	Year and Chapter
Alliston, Town	1885, c.54; 1891, c.61; 1896, c.76; 1907, c.56; 1912, c.86; 1915, c.46; 1931, c.81;
Almonte, Town	1888, c.41; 1927, c.99; 1930, c.67; 1931, c.82; 1958, c.124;
Amabel, Township	1898, c.37;
Amherstburg, Town	1889, c.55; 1901, c.46; 1905, c.39; 1955, c.94;
Ancaster, Town	1931, c.83;
Arnprior, Town	1900, c.60; 1912, c.87; 1912, c.88; 1914, c.57; 1926, c.75; 1960-61, c.104;
Aylmer, Town	1890, c.79; 1914, c.58; 1926, c.76;
Bath, Village	1962-63, c.147;
Bayfield, Village	1927, c.100;
Bayham, Township	1868, c.50;
Belleville, City	1868, c.49; 1875-76, c.50; 1901, c.47; 1904, c.40; 1904, c.41; 1905, c.40; 1907, c.57; 1913, c.91; 1921, c.95; 1924, c.87; 1949, c.115; 1951, c.97; 1958, c.125; 1968-69, c.142;
Bonfield, Township	1940, c.36;
Bracebridge, Town	1868-69, c.56; 1891, c.62; 1903, c.43; 1903, c.44;
Brantford, City	1870-71, c.57; 1880, c.38; 1886, c.53; 1890, c.82; 1893, c.59; 1901, c.48; 1908, c.71; 1909, c.99; 1911, c.84; 1913, c.93; 1915, c.48; 1919, c.86; 1922, c.105; 1923, c.60; 1925, c.83; 1926, c.77; 1928, c.61; 1929, c.91; 1932, c.60; 1937, c.84; 1940, c.37;
Brockville, City	1878, c.30; 1889, c.58; 1892, c.64; 1899, c.41; 1906, c.64; 1915, c.49;

SCHEDULE (continued)

Municipality	Year and Chapter
Bruce, County.....	1878, c.31;
Bruce Mines, Town.....	1906, c.65;
Caledon, Town.....	1958, c.130;
Cambridge, City.....	1871-72, c.63; 1907, c.67; 1915, c.51; 1916, c.71; 1919, c.92; 1922, c.111; 1925, c.88; 1926, c.81; 1928, c.65; 1929, c.100; 1930, c.80; 1901, c.55; 1908, c.84; 1920, c.126; 1947, c.128; 1895, c.77; 1897, c.77; 1900, c.90; 1915, c.67; 1918, c.77; 1922, c.125; 1927, c.123;
Campbellford, Town.....	1890, c.84; 1903, c.45; 1910, c.111;
Capreol, Town.....	1929, c.92; 1931, c.87;
Cobourg, Town.....	1873, c.120; 1875-76, c.51; 1875-76, c.52; 1877, c.44; 1889, c.59; 1892, c.67; 1898, c.39; 1899, c.43; 1901, c.49; 1920, c.115; 1922, c.107; 1924, c.89; 1932, c.62; 1936, c.69;
Colchester North, Township.....	1887, c.47;
Collingwood, Town.....	1882-83, c.32; 1884, c.49; 1891, c.65; 1897, c.61; 1898, c.40; 1899, c.44; 1900, c.64; 1902, c.45; 1903, c.46; 1904, c.44; 1913, c.94; 1914, c.65; 1918, c.55; 1922, c.108; 1934, c.71; 1938, c.49; 1946, c.115;
Deseronto, Town.....	1903, c.48; 1930, c.72;
Dresden, Town.....	1902, c.47;
Dundas, Town.....	1871-72, c.69; 1871-72, c.70; 1877, c.45; 1878, c.72; 1899, c.46; 1909, c.103; 1912, c.94; 1919, c.89; 1919, c.90; 1924, c.92; 1931, c.90; 1937, c.86;
Durham, Town.....	1885, c.56; 1900, c.67; 1904, c.46; 1905, c.45; 1910, c.113;
Durham, Regional Municipality.....	1893, c.72; 1920, c.129; 1960-61, c.118; 1968, c.162; 1968-69, c.160;

SCHEDULE (continued)

Municipality	Year and Chapter
Eastnor, Township.....	1906, c.69;
East York, Borough.....	1923, c.99; 1925, c.119; 1926, c.106; 1927, c.137; 1927, c.138; 1929, c.96; 1930, c.75; 1932, c.66; 1933, c.76; 1935, c.79; 1937, c.88; 1938, c.51; 1939, c.58; 1942, c.43; 1943, c.40; 1951, c.99; 1965, c.150; 1967, c.112; 1913, c.102; 1920, c.127; 1930, c.85; 1944, c.77; 1956, c.107;
Eganville, Village.....	1916, c.69;
Eldon, Township.....	1887, c.50;
Essex, Town.....	1891, c.67; 1885, c.57;
Fenelon Falls, Village.....	1942, c.44;
Flos, Township.....	1894, c.65;
Fort Frances, Town.....	1906, c.72; 1912, c.152; 1928, c.113; 1934, c.83; 1935, c.81; 1957, c.136; 1958, c.134;
Goderich, Town.....	1892, c.71; 1898, c.41; 1899, c.49; 1899, c.50; 1900, c.70; 1902, c.50; 1903, c.54; 1905, c.50; 1924, c.99;
Gravenhurst, Town.....	1887, c.52; 1889, c.61; 1891, c.69; 1905, c.51;
Grimsby, Town.....	1875-76, c.41; 1905, c.52; 1905, c.53; 1916, c.72; 1919, c.93; 1923, c.64; 1962-63, c.164; 1882, c.33;
Haileybury, Town.....	1912, c.100; 1923, c.66; 1931, c.99;
Halton Hills, Town.....	1901, c.45; 1917, c.64; 1921, c.94; 1929, c.89; 1923, c.63; 1924, c.98; 1927, c.112; 1929, c.101; 1931, c.98; 1970, c.151;
Hamilton-Wentworth, Regional Municipality.....	1896, c.99; 1912, c.130;
Hanover, Town.....	1901, c.54; 1903, c.56; 1915, c.55;
Harriston, Town.....	1894, c.68; 1900, c.71; 1925, c.91; 1934, c.78;

SCHEDULE (continued)

Municipality	Year and Chapter
Hastings, County.....	1878, c.29; 1879, c.50;
Hawkesbury, Town.....	1923, c.67; 1925, c.92; 1931, c.101; 1965, c.154;
Hearst, Town.....	1962-63, c.168;
Howick, Township.....	1887, c.54;
Huron, County.....	1875-76, c.49; 1896, c.81;
Ingersoll, Town.....	1873, c.62; 1885, c.60; 1886, c.56; 1893, c.66; 1898, c.45; 1903, c.58; 1903, c.59; 1904, c.50; 1974, c.145;
Iroquois, Village.....	1922, c.114;
Iroquois Falls, Town	1947, c.121; 1960-61, c.107;
Kenora, Town.....	1907, c.71; 1908, c.87; 1909, c.108; 1910, c.117; 1911, c.92; 1912, c.103; 1913, c.100; 1932, c.76; 1890, c.101; 1887, c.62; 1898, c.50; 1900, c.91; 1901, c.67; 1902, c.62;
Kent, County.....	1936, c.72;
Kincardine, Town	1899, c.51; 1900, c.72; 1921, c.106; 1955, c.102;
King, Township.....	1901, c.57; 1939, c.61;
Kingston, City.....	1871-72, c.74; 1881, c.37; 1884, c.51; 1887, c.56; 1889, c.62; 1893, c.68; 1894, c.69; 1899, c.53; 1904, c.79; 1905, c.55; 1906, c.111; 1911, c.94; 1912, c.104; 1912, c.105; 1917, c.73; 1918, c.64; 1921, c.107; 1923, c.70; 1899, c.52;
Kitchener, City.....	1921, c.108; 1923, c.71; 1924, c.102; 1926, c.86; 1938, c.56; 1967, c.116; 1974, c.146; 1888, c.42; 1898, c.38; 1902, c.44; 1903, c.41; 1907, c.58; 1913, c.92; 1946, c.123;
Lake of Bays, Township.....	1908, c.92;

SCHEDULE (continued)

Municipality	Year and Chapter
Leamington, Town.....	1899, c.54; 1929, c.105;
Lincoln, Town.....	1885, c.55; 1903, c.40; 1908, c.70; 1911, c.81;
Lindsay, Town.....	1885, c.61; 1888, c.49; 1891, c.71; 1899, c.55; 1900, c.74; 1912, c.106; 1914, c.73; 1958, c.141; 1903, c.61; 1968-69, c.151;
Logan, Township.....	1871-72, c.65;
London, Township.....	1916, c.78;
Machar, Township.....	1903, c.64;
Markham, Town.....	1896, c.83;
Marmora, Village.....	1918, c.67; 1931, c.108;
Mersea, Township.....	1905, c.66;
Milverton, Village.....	1897, c.68; 1908, c.95;
Mississauga, City.....	1962-63, c.190; 1960, c.169;
Mitchell, Town.....	1893, c.71; 1897, c.69; 1968-69, c.157;
Moore, Township.....	1907, c.64; 1951, c.108;
Mornington, Township.....	1896, c.84;
Morrisburg, Village.....	1905, c.59;
Mount Forest, Town.....	1886, c.59; 1907, c.74; 1924, c.105;
Murray, Township.....	1967, c.120;
Nanticoke, City.....	1926, c.104; 1948, c.124;
Nepean, City.....	1922, c.118; 1929, c.108; 1936, c.76; 1939, c.65; 1961-62, c.158; 1961-62, c.159;

SCHEDULE (continued)

Municipality	Year and Chapter
Newcastle, Town.....	1874, 1st sess., c.71; 1886, c.52; 1888, c.44; 1893, c.58; 1905, c.41; 1906, c.63; 1911, c.82; 1914, c.60; 1916, c.66; 1919, c.85; 1959, c.111;
Newmarket, Town.....	1899, c.62; 1904, c.53; 1913, c.106;
Niagara-on-the-Lake, Town.....	1933, c.88; 1906, c.82; 1910, c.120;
Niagara, Regional Municipality.....	1962-63, c.171;
Norfolk, Township.....	1890, c.100;
North Bay, City.....	1898, c.48; 1904, c.54; 1908, c.119; 1913, c.127; 1912, c.109; 1913, c.107; 1914, c.77; 1915, c.61; 1924, c.109; 1928, c.73;
North York, City.....	1924, c.139;
Norwood, Village.....	1943, c.43;
Orillia, City.....	1890, c.95; 1891, c.76; 1914, c.81; 1921, c.114; 1924, c.112; 1947, c.134;
Oshawa, City.....	1875-76, c.55; 1916, c.84; 1919, c.100;
Ottawa, City.....	1950, c.110; 1961-62, c.165; 1968, c.165;
Owen Sound, City.....	1880, c.42; 1882, c.39; 1885, c.66; 1892, c.81; 1899, c.68; 1911, c.99; 1911, c.100; 1912, c.115; 1915, c.64; 1916, c.86; 1918, c.73; 1925, c.99; 1964, c.138;
Oxford, County.....	1869, c.43; 1874, c.72; 1878, c.36; 1882-83, c.38; 1887, c.60; 1894, c.77; 1904, c.60; 1907, c.81;
Paris, Town.....	1885, c.67; 1946, c.134; 1917, c.80;
Peel, Regional Municipality.....	1965, c.165; 1968, c.167; 1968-69, c.162;
Peterborough, County.....	1970, c.163;
Picton, Town.....	1906, c.90;

SCHEDULE (continued)

Municipality	Year and Chapter
Port Hope, Town.....	1868-69, c.71; 1874, 1st sess., c.77; 1875-76, c.59; 1882, c.41; 1886, c.64; 1895, c.74; 1895, c.75; 1908, c.106; 1910, c.125; 1928, c.76;
Prescott, Town.....	1895, c.76; 1899, c.74; 1900, c.89; 1905, c.70; 1934, c.92;
Richmond Hill, Town.....	1923, c.84; 1929, c.117; 1961-62, c.167;
Ridgetown, Town.....	1888, c.58;
Rochester, Township.....	1882-83, c.40;
Rockland, Town.....	1928, c.102; 1932, c.86;
Russell, Township.....	1914, c.89;
Scarborough, City.....	1920, c.141; 1931, c.125; 1933, c.98; 1938, c.68; 1944, c.83; 1949, c.140; 1962-63, c.185; 1978, c.144;
Scugog, Township.....	1896, c.90; 1900, c.88; 1907, c.85; 1958, c.149;
Simcoe, County.....	1868, c.47; 1877, c.41; 1880, c.43; 1881, c.47; 1898, c.53;
Smiths Falls, Town.....	1899, c.80; 1900, c.96; 1905, c.76; 1908, c.109; 1909, c.122; 1911, c.109; 1918, c.82; 1932, c.90; 1964, c.142;
St. Mary's, Town.....	1911, c.112; 1912, c.123;
Strathroy, Town.....	1879, c.76; 1882, c.45; 1893, c.82; 1900, c.99;
Sudbury, City.....	1952, c.125;
Thessalon, Town.....	1907, c.94;
Thorold, City.....	1897, c.79; 1908, c.111; 1919, c.109; 1930, c.104;
Tiny, Township.....	1894, c.82;
Tottenham, Village.....	1900, c.104;

SCHEDULE (continued)

Municipality	Year and Chapter
Trenton, City.....	1882, c.45; 1884, c.60; 1885, c.74; 1887, c.73; 1890, c.106; 1894, c.85; 1896, c.97; 1898, c.56; 1904, c.72; 1906, c.100; 1908, c.113; 1909, c.126; 1914, c.101; 1914, c.102; 1917, c.93; 1924, c.131; 1924, c.132;
Uxbridge, Township.....	1908, c.114;
Walkerton, Town.....	1890, c.107; 1896, c.98; 1898, c.57; 1915, c.77;
Wallace, Township.....	1890, c.109;
Wallaceburg, Town.....	1895, c.91; 1900, c.105; 1901, c.74; 1904, c.73; 1905, c.85; 1906, c.101; 1908, c.115; 1911, c.120; 1914, c.103; 1917, c.94; 1922, c.135; 1962-63, c.195;
West Carleton, Township.....	1976, c.108;
Whitby, Town.....	1885, c.75; 1895, c.92; 1899, c.88; 1903, c.87; 1905, c.86; 1911, c.121; 1925, c.116; 1873, c.59;
Whitchurch-Stouffville, Town.....	1978, c.149;
Wiarton, Town.....	1894, c.86; 1900, c.107; 1902, c.67; 1914, c.109; 1922, c.137;
Wilmot, Township.....	1902, c.52; 1966, c.162;
Wolford, Township.....	1870-71, c.56;
Wyoming, Village.....	1889, c.76;
York, City.....	1893, c.87; 1895, c.94; 1897, c.84; 1899, c.91; 1903, c.88; 1903, c.89; 1906, c.105; 1907, c.98; 1908, c.121; 1909, c.128; 1910, c.137; 1914, c.113; 1917, c.98; 1921, c.130; 1922, c.139; 1923, c.69; 1923, c.74; 1924, c.140; 1923, c.100; 1923, c.101; 1925, c.122; 1926, c.105; 1926, c.108; 1928, c.96; 1929, c.128; 1930, c.109; 1933, c.112; 1934, c.104; 1935, c.100; 1936, c.88; 1938, c.76; 1914, c.107; 1923, c.96; 1925, c.115; 1931, c.132; 1934, c.102; 1935, c.97; 1946, c.144;

Bill 122 **Government Bill**

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 121

An Act to provide for the discharge of liens registered under The Municipal and School Tax Credit Assistance Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. This section re-enacts subsections 2 (3), (4) and (5) of *The Municipal and School Tax Credit Assistance Act*. The section provides for the continuance of existing liens and it also provides the mechanism for the discharge of those liens. While the said Act was repealed by subsection 19 (1) of *The Ontario Pensioners Property Tax Assistance Act, 1980*, subsection 19 (2) of that Act provided for the continuance of the lien and discharge provisions of the repealed Act. The Bill transfers the administration of the lien discharge provisions from the Treasurer of Ontario to the Minister of Municipal Affairs and Housing. This reflects existing practice. The re-enacted provision also clarifies the power of the Minister to discharge a lien where a notice of lien was registered in error.

SECTION 2. This section has the effect of confirming certificates of discharge and postponements given before this Bill received first reading.

Bill 121 **1983**

An Act to provide for the discharge of liens registered under The Municipal and School Tax Credit Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lien continued, when payable, etc.

1.—(1) Notwithstanding the repeal of *The Municipal and School Tax Credit Assistance Act*, being chapter 285 of the Revised Statutes of Ontario, 1970,

(a) the amount of a credit or refund allowed under that Act shall continue to be a lien in favour of the Treasurer of Ontario on the real property in respect of which the credit or refund was allowed and the lien has priorty,

(i) over any encumbrance upon the property arising before or after the date of registration of the notice mentioned in subsection 2 (5) of that Act if the encumbrancer is a relative by blood or marriage of the person to whom the credit or refund was allowed, or

(ii) over any other encumbrance upon the property arising after the date of registration of the notice mentioned in subsection 2 (5) of that Act; and

(b) the amount of a lien continued under clause (a) becomes due and shall be paid to the Treasurer of Ontario upon any change in ownership of the real property except,

(i) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under section 2 of that Act, or

(ii) by way of a mortgage or charge other than a sale or foreclosure under the mortgage or charge.

Discharge of lien

(2) Upon payment in full to the Treasurer of Ontario of the amount of a lien continued under clause (1) (a), the Minister of Municipal Affairs and Housing shall issue and cause to be registered in the proper land registry office, a certificate showing that the payment has been made and discharging the lien as against the real property.

Idem

R.S.O. 1970, c. 285

(3) Where a lien on real property has been claimed by mistake under *The Municipal and School Tax Credit Assistance Act*, the Minister of Municipal Affairs and Housing shall issue and cause to be registered in the proper land registry office a certificate discharging the lien as against the real property.

Confirmation of certificates of discharge

2.—(1) Every certificate of discharge or partial discharge purporting to discharge a lien claimed under *The Municipal and School Tax Credit Assistance Act* that was executed before the 17th day of November, 1983, and that was registered against the title to the real property before that day is hereby confirmed, and shall be deemed to have discharged the lien with respect to the real property described in the certificate of discharge or partial discharge.

Confirmation of postponements

(2) Every document purporting to postpone a lien claimed under *The Municipal and School Tax Credit Assistance Act* that was signed by the Treasurer before the 17th day of November, 1983, is hereby confirmed and when registered against the title to real property shall be deemed to postpone the lien in favour of the claim specified in the document with respect to the real property described therein.

Repeal

3. Subsection 19 (2) of *The Ontario Pensioners Property Tax Assistance Act, 1980*, being chapter 18, is repealed.

Commencement

4. This Act shall be deemed to have come into force on the 17th day of November, 1983.

Short title

5. The short title of this Act is the *Municipal and School Tax Credit Assistance Lien Discharge Act, 1983*.

D SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 122

An Act to revise the Architects Act

The Hon. R. McMurtry
Attorney General

1st Reading November 17th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill revises the *Architects Act*. The main features of the revision are:

1. The Lieutenant Governor in Council will appoint to the Council of the Ontario Association of Architects not fewer than three and not more than five persons who are not architects.
2. The establishment of the Registration Committee, to hear licensing matters, with provision for appeal to the Divisional Court.
3. The establishment of the Complaints Committee, to consider and investigate complaints regarding members of the Association, with power to refer matters to the Discipline Committee.
4. The establishment of the Discipline Committee, to hear and determine specific allegations of professional misconduct or incompetence, with power to impose a wide range of penalties and provision for appeal to the Divisional Court.
5. The establishment of the Fees Mediation Committee to mediate complaints in respect of fees.
6. The availability to persons dissatisfied with the handling of complaints by the Complaints Committee of recourse to the Complaints Review Councillor.
7. Provision is made for the issuance of certificates of practice to engage in the practice of architecture. Corporations and partnerships of corporations that hold certificates of practice will be able to engage in the practice of architecture. The provisions of the Bill related to the Complaints Committee, the Discipline Committee, the Fees Mediation Committee, the functions of the Complaints Review Councillor and investigations by the Registrar will all apply in respect of holders of certificates of practice.
8. The authority of the Council of the Association to make regulations will be subject to the approval of the Lieutenant Governor in Council and to prior review by the Minister. In addition, the Minister may advise the Council of the Association on the implementation of this Act and the regulations.
9. Provision is made for the establishment of a Joint Practice Board to assist the Ontario Association of Architects and the Association of Professional Engineers of Ontario in the maintenance of the professional relationship between the two associations.

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Bill 122 1983

An Act to revise the Architects Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "Academic Requirements Committee" means the Academic Requirements Committee appointed pursuant to the regulations;

(b) "architect" means the holder of a licence, a certificate of practice or a temporary licence;

(c) "architectural services" means services that are part of or are related to the practice of architecture;

(d) "Association" means Ontario Association of Architects;

(e) "building" means a structure consisting of a wall, roof and floor, or any one or more of them;

(f) "by-laws" means by-laws made under this Act;

(g) "certificate of practice" means certificate of practice to engage in the practice of architecture issued under this Act;

(h) "Complaints Review Councillor" means the Complaints Review Councillor appointed under this Act;

(i) "construction" means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and, "constructed" has a corresponding meaning;

(j) "Council" means Council of the Association;

(k) "design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building;

(l) "Experience Requirements Committee" means the Experience Requirements Committee appointed pursuant to the regulations;

(m) "general certificate of authorization" means general certificate of authorization to provide services that are within the practice of professional engineering, issued under the *Professional Engineers Act, 1983*;

1983, c...

(n) "general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;

(o) "graphic representation" means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal;

(p) "Joint Practice Board" means the Joint Practice Board under this Act;

(q) "licence" means licence to engage in the practice of architecture issued under this Act;

(r) "Minister" means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;

(s) "practice of architecture" means,

(i) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,

(ii) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or

(iii) a general review of the construction, enlargement or alteration of a building;

(t) "professional engineer" means a person who holds a licence or a temporary licence under the *Professional Engineers Act, 1983*; 1983, c ...

(u) "Registrar" means Registrar of the Association;

(v) "regulations" means regulations made under this Act;

(w) "temporary licence" means temporary licence to engage in the practice of architecture issued under this Act.

Association

2.—(1) The Ontario Association of Architects, a body corporate, is continued as a corporation without share capital.

Principal object

(2) The principal object of the Association is to regulate the practice of architecture and to govern its members, holders of certificates of practice and holders of temporary licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served.

Additional objects

(3) For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.

2. To establish, maintain and develop standards of qualification and standards of practice for the practice of architecture.

3. To establish, maintain and develop standards of professional ethics among its members.

4. To establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences.

5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

Capacity and powers of Association

(4) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(a) not fewer than twelve and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;

(b) not fewer than three and not more than five persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and

(c) the immediate past president of the Council, if he is not an elected member of the Council.

Idem

(3) No person shall be elected or appointed to the Council unless he is a Canadian citizen resident in Ontario.

Remuneration of lay members

(4) The persons appointed under clause (2) (b) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Term of office, first appointed members

(5) On the first appointment of persons to the Council by the Lieutenant Governor in Council,

(a) one-third, or as near thereto as possible, shall be appointed for a one year term;

(b) one-third, or as near thereto as possible, shall be appointed for a two year term; and

(c) the remainder shall be appointed for a three year term.

Term of office, appointed members

(6) In each year after the first appointments, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third or as near thereto as possible, shall be appointed in each year.

Qualifications to vote

(7) Every member of the Association who is not in default of payment of the annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

Officers

(8) The Council shall elect a president, a treasurer and one or more vice-presidents from among its elected members.

Registrar and staff

(9) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Quorum

(10) A majority of the members of the Council constitutes a quorum.

Vacancies

(11) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(12) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or

(b) where no quorum of the Council remains in office, elected in accordance with the regulations,

and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he is elected or appointed to fill.

Meetings of Council

(13) The Council shall meet at least four times a year.

Continuation of Council members

(14) The members of the Council of the Ontario Association of Architects who were elected and in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in clause (2) (a) until the expiration of the term for which they were elected or until the office otherwise becomes vacant.

Annual meetings

4.—(1) The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting.

Proxies

(2) A member of the Association entitled to vote at a meeting of members of the Association may, by means of a proxy, appoint a member as his nominee, to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

Membership

5.—(1) Every person licensed by the Association is a member of the Association, subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member.

Powers of Minister

6. In addition to his other powers and duties under this Act, the Minister may,

(a) review the activities of the Council;

(b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives of each constituency;

2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;

3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

4. providing for the election of a president, vice-presidents and a treasurer from among the elected members of the Council;

5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mech-

anism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;

6. respecting matters of practice and procedure before committees required under this Act not inconsistent with this Act and the *Statutory Powers Procedure Act*; R.S.O. 1980, c. 484

7. prescribing the quorums of the committees required by this Act, except the Complaints Committee and the Discipline Committee;

8. prescribing classes of persons whose interests are related to those of the Association and the privileges of persons in the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of practice and temporary licences, and the requirements and qualifications therefor, including but not limited to regulations respecting,

   i. the scope, standards and conduct of any examination or courses of study set or approved by the Council as a licensing requirement,

   ii. the curricula and standards of professional training programs and courses of study offered by the Council,

   iii. the academic, experience and other requirements for admission into professional training programs and courses of study, and

   iv. the academic and experience requirements for the issuance of a licence;

10. prescribing terms and conditions of licences, certificates of practice and temporary licences;

11. prescribing forms of applications for licences, certificates of practice and temporary licences and requiring their use;

12. for the purposes of section 21, prescribing a proportion greater than 10 per cent of the shares of corporations that engage in the practice of architecture;

13. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of practice and in respect of the interests of partners that apply for or hold certificates of practice, and prescribing and requiring the use of forms of such returns;

14. requiring and governing the signing and sealing of documents and designs by members of the Association and holders of temporary licences, specifying the forms of seals and respecting the issuance and ownership of seals;

15. requiring the making of returns of information by members of the Association and holders of certificates of practice and temporary licences in respect of names, addresses, telephone numbers, associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;

16. governing the use of names and designations in the practice of architecture by members of the Association and holders of certificates of practice and temporary licences;

17. providing for the maintenance and inspection of registers of persons permitted to engage in the practice of architecture;

18. prescribing and governing standards of practice and performance standards for the profession;

19. respecting the advertising of the practice of architecture;

20. prescribing a code of ethics;

21. defining professional misconduct for the purposes of this Act;

22. defining classes of specialists among members and holders of certificates of practice and temporary licences, prescribing the qualifications required, providing for the suspension or revocation of any such designation and for the regulation and prohibition of the use of terms, titles or designations indicating specialization by a member or a holder of a certificate of

practice or a temporary licence in the practice of architecture;

23. providing for inspection programs related to the practice of architecture, including programs for the inspection of records, other than financial records, of members of the Association, holders of certificates of practice and holders of temporary licences, but such a program does not authorize inspection of records of a holder of a certificate of practice or temporary licence who is also a holder of a general certificate of authorization unless the inspection of the records, other than financial records, is recommended by the Joint Practice Board;

24. providing for the compilation of statistical data on the supply, distribution and professional activities of members of the Association and holders of temporary licences and professional activities related to the practice of architecture of holders of certificates of practice and on remuneration for the practice of architecture and requiring members of the Association and holders of certificates of practice and temporary licences to provide the information necessary to compile such statistics, but persons engaged in the administration of this Act shall maintain secret the names of persons providing the information as a matter that comes to their knowledge in the course of their duties under this Act;

25. requiring members, holders of certificates of practice or holders of temporary licences, or all of them, to obtain and to maintain insurance against liability that may be incurred in the practice of architecture, respecting the terms and conditions and prescribing the minimum amounts of such insurance, requiring such members and holders to provide to the Registrar proof of the insurance coverage, and respecting the form of the proof and the times when the proof shall be provided;

26. providing for the entering into of arrangements by the Association for its members and holders of certificates of practice and temporary licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members of the Association and holders of certificates of practice and temporary licences in respect of professional liability and exempting any class of any of

them from all or part of any such levy and classifying members, holders of certificates of practice and holders of temporary licences for the purpose of such exemption;

27. exempting any class of members, holders of certificates of practice or holders of temporary licences from the requirement to be insured in respect of professional liability, and classifying members, holders of certificates of practice or holders of temporary licences for the purpose of such exemption;

28. prohibiting or regulating the practice of architecture where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

29. providing for a program of continuing education of members of the Association;

30. respecting the duties and authority of the Registrar;

31. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of practice or temporary licence that was cancelled by the Registrar;

32. classifying and exempting any class of holders of licences, certificates of practice or temporary licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

Distribution of regulations

(2) A copy of each regulation made under subsection (1),

(a) shall be forwarded to each member of the Association and to each holder of a certificate of practice or temporary licence; and

(b) shall be available for public inspection in the office of the Association.

By-laws

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal of the Association;

2. providing for the execution of documents by the Association;

3. respecting banking and finance;

4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

6. respecting the form and content of proxies, the deposit of proxies with the Association and the manner and proof of revocation of proxies;

7. providing for meetings of the Council and committees, except in a proceeding in respect of a licence, certificate of practice or temporary licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;

8. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of practice or temporary licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;

9. respecting the calling, holding and conducting of meetings of the membership of the Association;

10. prescribing the remuneration of the members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

11. prescribing the duties of officers of the Association;

12. providing for the appointment of inspectors for the purposes of this Act;

13. prescribing forms and providing for their use;

14. providing procedures for the making, amending and revoking of the by-laws;

15. respecting management of the property of the Association;

16. providing for the appointment, composition, powers and duties of additional or special committees;

17. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

18. respecting the borrowing of money by the Association and the giving of security therefor;

19. respecting membership of the Association in other organizations, the payment of annual assessments and provision for representatives at meetings;

20. providing for the establishment and dissolution and governing the operation of groups of members as societies of the Association and respecting grants by the Association to societies or any of them;

21. authorizing the making of grants for any purpose that may tend to advance knowledge of architectural education, or maintain or improve the standards of practice in architecture or support and encourage public information and interest in the role of architecture in society;

22. respecting scholarships, bursaries and prizes related to the study of architecture;

23. prescribing the amounts of and requiring the payment of annual fees by members of the Association and holders of certificates of practice and temporary licences and by students and members of related classes recognized by the Association, and fees for licensing, temporary licences, certification, registration, examinations, courses of study, professional training programs and continuing education, including penalties for late payment, and fees for anything

the Registrar is required or authorized to do, and prescribing the amounts thereof;

24. providing for the establishment of group insurance plans, other than for professional liability, in which members of the Association may participate on a voluntary basis;

25. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

Confirmation of by-laws

(2) A by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of members of the Association held after its passing, unless it is confirmed by the meeting.

Distribution of by-laws

(3) A copy of the by-laws made under subsection (1) and amendments thereto,

(a) shall be forwarded to the Minister;

(b) shall be forwarded to each member; and

(c) shall be available for public inspection in the office of the Association.

Committees

9.—(1) The Council shall establish and appoint the following committees:

(a) Executive Committee;

(b) Academic Requirements Committee;

(c) Experience Requirements Committee;

(d) Registration Committee;

(e) Complaints Committee;

(f) Discipline Committee;

(g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the

committee so long as their number is not fewer than a quorum of the committee.

Executive Committee

10.—(1) The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council, other than to make, amend or revoke a regulation or a by-law.

Urgent matters

(2) Subject to ratification by the Council at its next ensuing meeting, the Executive Committee may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or a by-law.

Who may engage in practice of architecture

11.—(1) No person shall engage in the practice of architecture or hold himself out as engaging in the practice of architecture unless,

(a) the person is licensed under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

Certificate of practice

(2) No person who is licensed under this Act shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice.

Exception

(3) Subsections (1) and (2) do not apply to,

(a) the preparation or provision of a design for the construction, enlargement or alteration of a building,

(i) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered, and

(ii) that is used or intended for business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy;

(b) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,

(i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or

(ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit;

(c) the preparation or provision of a design for the construction, enlargement or alteration of a building used directly in the extraction, processing or storage of ore from a mine;

(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;

(e) the preparation or provision of a design for interior decoration or for fixtures, non-load-bearing partitions or equipment for a building that will not affect or is not likely to affect the strength or safety of the building or the safety of persons in the building;

(f) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls, the strength or safety of the building or the safety of persons in the building.

Idem

(4) The following rules govern the relationship between architects and professional engineers, and subsections (1) and (2) do not apply to prevent a professional engineer from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules:

1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,

i. used or intended for residential occupancy,

ii. that exceeds 600 square metres in gross area, and

iii. that does not exceed three storeys,

and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide services within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. An architect or a professional engineer may prepare or provide a design for the construction, enlargement or alteration of a building,

i. that exceeds 600 square metres in gross area or three storeys, and

ii. that is used or intended for,

A. industrial occupancy, or

B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occupancies exceeds 600 square metres of the gross area,

but only a professional engineer may provide services within the practice of professional engineering in connection with the design.

3. An architect and a professional engineer together shall prepare or provide the design for the construction, enlargement or alteration of a building used or intended for,

i. assembly occupancy,

ii. institutional occupancy,

iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,

iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,

v. residential occupancy that exceeds three storeys,

vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,

vii. mixed occupancy consisting of a combination of,

A. assembly occupancy and any other occupancy, except industrial occupancy,

B. institutional occupancy and any other occupancy, except industrial occupancy,

C. one or more of,

1. business occupancy,

2. personal services occupancy, or

3. mercantile occupancy,

and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy,

where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or

viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

and, subject to rule 4, the architect shall provide services that are within the practice of architecture and the professional engineer shall provide services that are within the practice of professional engineering, and a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.

4. An architect may perform services that are within the practice of professional engineering in preparing or

providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

5. A professional engineer may perform services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architecture related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

6. Only an architect may carry out the general review of the construction, enlargement or alteration of a building,

i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or

ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.

7. Only a professional engineer may carry out the general review of the construction, enlargement or alteration of a building,

   i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or

   ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.

8. An architect or a professional engineer may act as prime consultant for the construction, enlargement or alteration of a building.

(5) Subsections (1) and (2) do not apply to prevent a person from, Idem

(a) evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting by an architect; or

(b) carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review by an architect.

(6) In this section, Interpretation

(a) "assembly occupancy" means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink;

(b) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls;

(c) "business occupancy" means occupancy for the transaction of business;

(d) "dwelling unit" means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

(e) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating;

(f) "firewall" means a type of fire separation of non-combustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating prescribed in Ontario Regulation 583/83 (known as the Building Code), as amended from time to time, and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated;

(g) "grade" means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;

(h) "gross area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls;

(i) "industrial occupancy" means occupancy for assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources;

(j) "institutional occupancy" means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained;

(k) "mercantile occupancy" means occupancy or use for displaying or selling retail goods, wares or merchandise;

(l) "personal services occupancy" means occupancy for the rendering or receiving of professional or personal services;

(m) "residential occupancy" means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy.

(7) For the purposes of this section, proof of the performance of one act in the practice of architecture on one occasion is sufficient to establish engaging in the practice of architecture. Proof of practice

12. A corporation that holds a subsisting certificate of practice may engage in the practice of architecture. Corporation

13.—(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and, Issuance of licence

(a) is of good character;

(b) is not less than eighteen years of age;

(c) is a citizen of Canada or has the status of a permanent resident of Canada or is a member of an organization of architects that is recognized by the Council and that has objects, standards of practice and requirements for membership similar to those of the Association;

(d) has complied with the academic and experience requirements specified in the regulations for the issuance of the licence or is exempted therefrom by the Council; and

(e) has passed such examinations and completed such courses of study as the Council may set or approve in accordance with the regulations or is exempted therefrom by the Council.

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of architecture in accordance with the law and with honesty and integrity. Grounds for refusal to issue licence

(3) The Registrar, on his own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence, Referral to committee

(a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;

(b) to the Experience Requirements Committee for a determination as to whether or not the applicant has

met the experience requirements prescribed by the regulations for the issuance of the licence; or

(c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

Determination by committee

(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.

Hearing

(5) A committee is not required to hold or to afford to any person a hearing or an opportunity to make submissions before making a determination under subsection (3).

Notice of determination

(6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3).

Issuance of certificate of practice to corporation

14.—(1) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

(a) a majority of the directors of the corporation is composed of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;

(b) a majority of each class of shares of the corporation is owned by and registered in the names of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation;

(c) the primary function of the corporation is to engage in the practice of architecture; and

(d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

Idem

(2) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

(a) the corporation holds a general certificate of authorization issued under the *Professional Engineers Act, 1983*; 1983, c. ...

(b) a majority of the directors of the corporation is composed of,

(i) members of the Association of Professional Engineers of Ontario, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;

(c) a majority of each class of shares of the corporation is owned by and registered in the names of,

(i) members of the Association of Professional Engineers of Ontario, or

(ii) members of the Association of Professional Engineers of Ontario and members of the Ontario Association of Architects,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation; and

(d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

Grounds for refusal to issue or for revocation of certificate of practice

(3) The Registrar may refuse to issue a certificate of practice to a corporation or may suspend or revoke a certificate of practice issued to a corporation where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the corporation fails to comply with section 21; or

(b) that the corporation fails to comply with the requirements for the issuance of the certificate of practice set out in subsection (1) or (2).

Issuance of certificate of practice to partnership

15.—(1) The Registrar shall issue a certificate of practice to a partnership of members of the Association that applies therefor in accordance with the regulations and that proposes to engage in or hold itself out as engaging in the practice of architecture.

Idem

(2) The Registrar shall issue a certificate of practice to a partnership of members of the Association of Professional Engineers of Ontario that applies therefor in accordance with the regulations and that,

(a) holds a general certificate of authorization; and

(b) employs at least one member of the Association who will personally supervise and direct the practice of architecture by the partnership.

Idem

(3) The Registrar shall issue a certificate of practice to a partnership of one or more members of the Ontario Association of Architects and one or more members of the Association of Professional Engineers of Ontario that holds a general certificate of authorization and that applies therefor in accordance with the regulations and that proposes to engage in or hold itself out as engaging in the practice of architecture.

Issuance of certificate of practice to partnership of corporations

16. The Registrar shall issue a certificate of practice to a partnership of corporations that applies in accordance with the regulations therefor if at least one of the corporations holds a certificate of practice and the others each hold a general certificate of authorization.

Issuance of certificate of practice to member of Association

17.—(1) The Registrar shall issue a certificate of practice to a member of the Association who applies therefor in accordance with the regulations.

Refusal or revocation

(2) The Registrar may refuse to issue a certificate of practice to a member of the Association or may suspend or revoke a certificate of practice held by a member of the Association where the Registrar is of the opinion, upon reasonable and probable grounds, that the member has not engaged in the practice of architecture during the period of five years preceding the date of the refusal or revocation.

Issuance of certificate of practice to member of A.P.E.O.

18. The Registrar shall issue a certificate of practice to a member of the Association of Professional Engineers of Ontario who applies therefor in accordance with the regulations and who,

(a) holds a general certificate of authorization; and

(b) employs at least one member of the Association who will personally supervise and direct the practice of architecture by the holder of the certificate of practice.

Issuance of licence or certificate of practice on direction of Council

19. The Registrar shall issue a licence or a certificate of practice upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Refusal or revocation of certificate of practice related to past conduct

20.—(1) The Registrar may refuse to issue a certificate of practice to a corporation, a partnership, a partnership of corporations or a natural person, or may suspend or revoke a certificate of practice, where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct,

(a) in the case of a corporation, of an officer, director or employee of the corporation;

(b) in the case of a partnership, of a member or employee of the partnership;

(c) in the case of a partnership of corporations, of a member or employee of the partnership or of an officer, director or employee of a member of the partnership; or

(d) in the case of a natural person, of the natural person,

affords grounds for belief that the corporation, partnership, partnership of corporations or natural person, as the case may be, will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

Suspension of effect of certificate of practice

(2) A holder of a certificate of practice ceases to be entitled to offer to the public or to provide to the public services that are within the practice of architecture as soon as there is no member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Notice to Registrar by holder of certificate of practice

(3) The holder of a certificate of practice must give notice to the Registrar when there ceases to be a member of the Associa-

tion who personally supervises and directs the practice of architecture by the holder of the certificate of practice and when the holder of the certificate of practice designates another member of the Association to personally supervise and direct such practice of architecture.

Notice to Registrar by person in position of professional responsibility

(4) A member of the Association who ceases to personally supervise and direct the practice of architecture by a holder of a certificate of practice as the person so designated by the holder of the certificate of practice shall give notice of the cessation forthwith to the Registrar.

Past conduct

(5) The Registrar may suspend or revoke a certificate of practice where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the holder of the certificate of practice does not meet the requirements or the qualifications for the issuance of the certificate of practice set out in the regulations; or

(b) that there has been a breach of a condition of the certificate of practice.

Requirement re corporations

21.—(1) No corporation shall engage in the practice of architecture if a person who is not a member of the Association or of the Association of Professional Engineers of Ontario,

(a) beneficially owns, directly or indirectly;

(b) exercises control or direction over; or

(c) beneficially owns, directly or indirectly, shares of any class of shares of the corporation and, together with another shareholder or other shareholders associated with the person, exercises control or direction over,

more than 10 per cent or such greater proportion as may be prescribed by regulation of the total number of issued and outstanding shares of any class of shares of the corporation.

Interpretation

(2) For the purposes of this section,

(a) where a share is owned jointly and one of the joint owners is a person who is not a member of the Association or of the Association of Professional Engineers of Ontario, the share shall be deemed to be owned by the person;

(b) each share that carries the right to more than one vote shall be calculated as the number of shares equal to the total number of votes carried by the share;

(c) a shareholder shall be deemed to be associated with another shareholder where,

(i) one shareholder is a corporation of which the other shareholder is an officer or director,

(ii) one shareholder is a partnership of which the other shareholder is a partner,

(iii) one shareholder is a corporation that is controlled, directly or indirectly, by the other shareholder,

(iv) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder,

(v) both shareholders are members of a voting trust, where the trust relates to shares of a corporation, or

(vi) both shareholders are associated within the meaning of subclauses (i) to (v) with the same shareholder;

(d) a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations where,

(i) shares of the first-mentioned corporation carrying, either under all circumstances or under circumstances that have occurred and are continuing, 50 per cent of the votes for the election of directors, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations, and

(ii) the votes carried by the shares are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation.

Supervision by architect

22.—(1) It is a condition of every certificate of practice held by a corporation, a partnership or a partnership of corporations that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction of a member of the Association who is,

(a) in the case of a corporation, an officer, director or full-time employee of the corporation;

(b) in the case of a partnership, a member or full-time employee of the partnership; or

(c) in the case of a partnership of corporations, an officer, director or full-time employee of a member of the partnership or a full-time employee of the partnership.

Professional responsibility of supervising architect

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice or a temporary licence is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Limited certificate of practice

23.—(1) The Registrar shall issue a certificate of practice to a corporation incorporated under the laws of any jurisdiction, other than Ontario, or a partnership of such corporations that is licensed or authorized to practice architecture by the jurisdiction in which the corporation was incorporated and that applies therefor in accordance with the regulations and that meets the requirements and qualifications for the issuance of the certificate of practice set out in the regulations.

Conditions

(2) Every certificate of practice issued under subsection (1) is subject to the conditions prescribed by the regulations.

Limitation

(3) A certificate of practice issued under subsection (1) is not valid except in respect of the architectural project described in the certificate of practice.

Application of ss. 21, 22

(4) Sections 21 and 22 do not apply to a corporation or partnership of corporations that is issued a certificate of practice under subsection (1).

Temporary licence

24.—(1) The Registrar shall issue a temporary licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence set out in the regu-

lations, whether or not the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

Ground for refusal to issue temporary licence

(2) The Registrar may refuse to issue a temporary licence to a person where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the person affords grounds for belief that the person will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

Referral to committees

(3) Subsections 13 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a limited licence.

Conditions

(4) Every temporary licence is subject to the conditions prescribed by the regulations.

Extent of temporary licence

(5) A temporary licence is not valid except in respect of the architectural project described in the temporary licence.

Application of subs. (1)

(6) Subsection (1) does not apply in respect of a member or a holder of a certificate of practice.

Membership

(7) A temporary licensee is not a member of the Association.

Proposal to refuse to issue, suspend, revoke or impose conditions

25.—(1) Where the Registrar proposes,

(a) to refuse an application for a licence, a certificate of practice or a temporary licence;

(b) to suspend or revoke a certificate of practice; or

(c) to issue a licence, a certificate of practice or a temporary licence subject to terms, conditions or limitations,

the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Exceptions

(2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a certificate of practice or a temporary licence where,

(a) the Academic Requirements Committee has determined that the applicant has not met the academic requirements set out in the regulations for the issuance of the licence or the temporary licence;

(b) the Experience Requirements Committee has determined that the applicant has not met the experience requirements set out in the regulations for the issuance of the licence or the temporary licence; or

(c) the applicant previously held a licence, a certificate of practice or a temporary licence that was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

Power of Registrar where no hearing

(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (1), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Disability of member

(6) Where the Registration Committee commences a hearing and a member of the Registration Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Continuation on expiry of committee membership

(7) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Powers of Registration Committee

(8) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

(a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regu-

lations and will engage in the practice of architecture with competence and integrity, direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, to the applicant;

(b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a licence, certificate of practice or temporary licence, or to revoke the certificate of practice issued to the applicant, as the case may be, or

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of architecture with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be; or

(c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of architecture with competence and integrity,

(i) require the applicant to take and successfully complete such examinations as the Registration Committee may set or approve and to pay such fees therefor as the Registration Committee fixes,

(ii) require the applicant to take such additional training as the Registration Committee specifies, or

(iii) direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

Extension of time for requiring hearing

(9) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are

reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Parties

(10) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Opportunity to show compliance

(11) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of practice or the temporary licence.

Examination of documentary evidence

(12) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(13) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for both parties to participate, but the Registration Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(14) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members at hearing to participate in decision

(15) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(16) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

Relationship between corporation and client

26. A corporation that holds a certificate of practice has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with

each client of the corporation that exist at law between a member of the Association and his client.

Registers

27.—(1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of practice or temporary licence, identifying the terms, conditions and limitations attached to the licence, certificate of practice or temporary licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of practice or temporary licence and such other information as the Registration Committee or Discipline Committee directs.

Inspection

(2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar.

Copies

(3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers maintained by the Registrar.

Continuation of certificates

(4) Every certificate of membership and every temporary licence issued under the *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and in effect immediately before this Act comes into force continues in the same manner as if issued as a licence or a temporary licence, as the case requires, under this Act.

Cancellation for default of fees

28.—(1) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any fee prescribed by the by-laws after giving the member or the holder of the certificate of practice or temporary licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member or holder.

Reinstatement

(2) A person who was a member or a holder of a certificate of practice or temporary licence whose licence, certificate of practice or temporary licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of practice or temporary licence reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

Complaints Committee

29.—(1) The Complaints Committee shall be composed of,

(a) at least one member of the Council who was elected to the Council;

(b) at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and

(c) such other members of the Association as may be appointed by the Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person elected to the Council, constitute a quorum.

Duties of Complaints Committee

30.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of any member of the Association or holder of a certificate of practice or a temporary licence, but no action shall be taken by the Committee under subsection (2) unless,

(a) a written complaint has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and

(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor. Decision and reasons

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his right to apply to the Complaints Review Councillor under section 32. Notice

31.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council. Complaints Review Councillor

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee. Idem

32.—(1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association. Examination by Complaints Review Councillor

(2) Where a complaint respecting a member of the Association or a holder of a certificate of practice or a temporary licence has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the Registrar, upon application by the complainant or on his own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee. Review by Complaints Review Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of his complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint. Application to Complaints Review Councillor

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association. Complaints Review Councillor not to inquire into merit of complaint

(5) The Complaints Review Councillor in his discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where, Discretionary power of Complaints Review Councillor

(a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter

came to the attention of the Complaints Review Councillor; or

(b) in the opinion of the Complaints Review Councillor,

(i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or

(ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his intention to commence the examination or review.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Privacy

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Receipt of information

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he thinks fit.

Hearing not required

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report in respect of the Association.

Duty to furnish information

(11) Every person who is,

(a) a member of the Council;

(b) an officer of the Association;

(c) a member of a committee of the Association; or

(d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Associa-

tion in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

Report by Complaints Review Councillor

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him in respect of the Association.

Report following upon examination

(13) Where the report follows upon an examination of the procedure for the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report following upon review

(14) Where the report follows upon a review as to the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report to Minister

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minister where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Recommendations

(16) The Complaints Review Councillor may include in a report following upon an examination or review his recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Consideration by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Discipline Committee

33.—(1) The Discipline Committee shall be composed of,

(a) at least one person appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;

(b) at least one person who is a member of the Council appointed by the Lieutenant Governor in Council; and

(c) the persons appointed to the Discipline Committee by the Council from among the members of the

Association who have not less than ten years experience in the practice of architecture.

Quorum and votes

(2) Three members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of member

(3) Where the Discipline Committee commences a hearing and a member of the Discipline Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Chairman

(4) The Council shall name one member of the Discipline Committee who is a member of and elected to the Council to be chairman.

Reference by Council

(5) The Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of practice or a temporary licence specified in the resolution.

Duties of Discipline Committee

34.—(1) The Discipline Committee shall,

(a) when so directed by the Council or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of practice or a temporary licence;

(b) hear and determine matters referred to it under section 30, 33 or 42; and

(c) perform such other duties as are assigned to it by the Council.

Professional misconduct

(2) A member of the Association or a holder of a certificate of practice or a temporary licence may be found guilty of professional misconduct by the Committee if,

(a) the member or holder has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

(b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(3) The Discipline Committee may find a member of the Association or a holder of a certificate of practice or a temporary licence to be incompetent if in its opinion,

(a) the member or holder has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public the member or holder serves of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of an architect; or

(b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of architecture or that his practice of architecture be restricted.

Powers of Discipline Committee

(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of practice or a temporary licence guilty of professional misconduct or incompetence it may, by order,

(a) revoke the licence of the member or the certificate of practice or temporary licence of the holder;

(b) suspend the licence of the member or the certificate of practice or temporary licence of the holder for a stated period, not exceeding twenty-four months;

(c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of architecture to the extent specified in the undertaking;

(d) impose terms, conditions or limitations on the licence, certificate of practice or temporary licence, of the member or holder, including but not limited, in the case of a member or a holder of a temporary licence, to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;

(e) impose specific restrictions on the licence, certificate of practice or temporary licence, including but not limited to,

(i) requiring the member or the holder of the temporary licence to engage in the practice of architecture only under the personal supervision and direction of another member, or a member, as the case may be,

(ii) requiring the member to not alone engage in the practice of architecture,

(iii) requiring the member or the holder of the certificate of practice or temporary licence to accept periodic inspections by the Committee or its delegate of the books, accounts, records and designs of the member or the holder in connection with his practice,

(iv) requiring the member or the holder of the certificate of practice or temporary licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;

(f) require that the member or the holder of the certificate of practice or temporary licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register;

(g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist in any branch of architecture;

(h) impose such fine as the Discipline Committee considers appropriate, to a maximum of $5,000, to be paid by the member or the holder of the certificate of practice or temporary licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(i) require the member or the holder of the certificate of practice or temporary licence to repay, waive or reduce the fee of the member or the holder in respect of the practice of architecture related to the finding of professional misconduct or incompetence;

(j) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in an official publication of the Association in detail or in summary and either with or without including the name of the member or holder;

(k) fix and impose costs to be paid by the member or the holder to the Association;

(l) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as may be specified by the Discipline Committee, including but not limited to,

(i) the successful completion by the member or the holder of the temporary licence of a particular course or courses of study,

(ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication of revocation or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence, certificate of practice or temporary licence to be published, with or without the reasons therefor, in an official publication of the Association together with the name of the member or holder of the revoked or suspended licence, certificate of practice or temporary licence.

Publication on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in an official publication of the Association, upon the request of the member or the holder of a certificate of practice or temporary licence against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member or the holder of the certificate of practice or temporary licence for his costs or such portion thereof as the Discipline Committee fixes and the Association shall comply with the order.

Stay on appeal for incompetence

(8) Where the Discipline Committee revokes, suspends or restricts a licence, certificate of practice or temporary licence on the ground of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay on appeal for professional misconduct

(9) Where the Discipline Committee revokes, suspends or restricts a licence, a certificate of practice or a temporary licence on a ground other than incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Service of decision of Discipline Committee

(10) Where the Discipline Committee finds a member or a holder of a certificate of practice or temporary licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Continuation on expiry of Committee membership

(11) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Discipline proceedings, parties

35.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association or holder of a certificate of practice or temporary licence whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A member or holder of a certificate of practice or temporary licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of

the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera R.S.O. 1980, c. 484

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed; or

(b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties at their own cost.

Evidence

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal to court

36.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified copy of record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Fees Mediation Committee

37.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Duties of Fees Mediation Committee

(2) The Fees Mediation Committee,

(a) shall hear and mediate any written complaint by a client of a member of the Association or of a holder of a certificate of practice or temporary licence in respect of a fee charged for architectural services provided to the client; and

(b) shall perform such other duties as are assigned to it by the Council.

Arbitration by Fees Mediation Committee

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of practice or temporary licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

Application of R.S.O.1980, c. 25

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply.

Enforcement

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court.

Registrar's investigation

38.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a

holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of practice or temporary licence in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980, c. 411

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Order by provincial judge

(4) Where a provincial judge is satisfied on evidence upon oath,

(a) that the Registrar by order has appointed one or more persons to make an investigation; and

(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution of order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry of order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated.

Removal of books, etc.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection (2) or (4) relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Report of Registrar

(10) The Registrar shall report the results of the investigation to the Council or such committee as he considers appropriate.

Information re insurance claims, interpretation

39.—(1) In this section, "insurer" means a person offering insurance in respect of liability incurred in the practice of architecture.

Information

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar any information that is in the possession of the insurer and that is specified in the request related to a claim or claims for indemnity in respect of the practice of architecture.

Transmittal of information

(3) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as he considers appropriate.

Professional liability insurance

40.—(1) No member of the Association, holder of a certificate of practice or a temporary licence shall engage in the practice of architecture unless insured against professional liability in accordance with the regulations or in accordance with arrangements under subsection (2).

Arrangements by Association

(2) The Association may make arrangements respecting insurance against professional liability for members of the Association, holders of certificates of practice and holders of temporary licences.

Premiums

(3) Arrangements under subsection (2) may include arrangements respecting the payment and remission of premiums.

Levies

(4) The Association may prescribe levies that shall be paid by members of the Association, holders of certificates of practice and holders of temporary licences related to arrangements under subsection (2).

Surrender of cancelled licence, etc.

41. Where a licence, certificate of practice or temporary licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certificate of practice or temporary licence and related seal to the Registrar.

Application for restoration of licence, etc.

42.—(1) A person whose licence, certificate of practice or temporary licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of practice or temporary licence, but such application shall not be made sooner than two years after the revocation.

Removal of suspension

(2) A person whose licence, certificate of practice or temporary licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

Reference to Discipline Committee

(3) The Registrar shall refer the application to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the applicant.

Procedures

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 36, apply with necessary modifications to proceedings of the Discipline Committee under this section.

Direction by Council to issue licence

(5) Notwithstanding subsections (1), (2) and (3), the Council may direct at any time that a licence, certificate of practice or temporary licence be issued to a person whose licence, certificate of practice or temporary licence has previously been revoked for cause or suspended for cause or that a suspension or cancellation for cause under a predecessor of this Act be

removed, subject to such terms, conditions or limitations as the Council considers appropriate.

Confidentiality

43.—(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 32 or an investigation under section 38, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of,

(i) this Act and the regulations and by-laws, or

1983,c...

(ii) the *Professional Engineers Act, 1983* and the regulations and by-laws under that Act,

or any proceedings under,

(iii) this Act or the regulations, or

(iv) the *Professional Engineers Act, 1983* or the regulations under that Act;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Professional Engineers Act, 1983* or the regulations or by-laws under that Act.

Use of word "architect" by corporation

44.—(1) A corporation whose name includes the word "architect" or a derivative or abbreviation of "architect" and that ceases to hold a subsisting certificate of practice shall not carry on or engage in any business until the word "architect" or the derivative or abbreviation of "architect" is removed from the name of the corporation.

Exception

(2) Subsection (1) does not apply to prevent a corporation from carrying on an activity necessary to the winding up of the corporation.

Proceedings to prohibit continuation or repetition of contravention

45. Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or any penalty imposed, the Association may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

Penalties

46.—(1) Every person who contravenes section 11 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $15,000 and for each subsequent offence to a fine of not more than $30,000.

Idem

(2) Every person who is not a holder of a licence, certificate of practice or temporary licence and who,

(a) uses the title "architect" as an occupational designation;

(b) uses,

(i) an addition to or an abbreviation of the title "architect",

(ii) an occupational designation, or

(iii) a term, title, addition or description,

implying or calculated to lead people to infer that the person is entitled to engage in the practice of architecture; or

(c) uses a seal that will lead to the belief that the person is an architect,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 38 in the course of his duties is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem

(4) Every corporation that contravenes section 44 is guilty of an offence and on conviction is liable for a first offence to a fine

of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem, director or officer of corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Limitation

(6) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4) or (5) after two years after the date on which the offence was, or is alleged to have been, committed.

Exception

(7) It is not an offence under subsection (2),

(a) for a member of the Association of Architectural Technologists of Ontario to use the designation "architectural technologist" or "architectural technician";

(b) for a person to use the designation "landscape architect"; or

(c) for a person to use the title "architect" if the person is a member of a class for whom the use of the title is a privilege prescribed by the regulations.

Falsification of certificate

47.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence, certificate of practice, temporary licence or document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Any person who wilfully procures or attempts to procure himself to be licensed or to be issued a certificate of practice or a temporary licence under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than $5,000, and every person knowingly aiding and assisting him therein is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Limitation period

(3) Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Onus of proof

48. Where licensing or the holding of a certificate of practice or a temporary licence under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the defendant has done such act or thing, the burden of proving that he was so licensed or that he held a subsisting certificate of practice or temporary licence under this Act rests upon the defendant.

Service of notice

49. A notice or document required by this Act to be served or delivered may be served or delivered personally or by mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or delivered by mail, the service or delivery shall be deemed to have been made on the tenth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Registrar's certificate as evidence

50. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity

51.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of his office

(2) Every member of the Council and every officer, member or employee of the Association, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given at any meeting of the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by

him, in or about the execution of the duties of his office, employment or appointment; and

(b) all other costs, charges and expenses that he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

Joint Practice Board

52.—(1) There shall be a board to be known as the "Joint Practice Board" to assist the Ontario Association of Architects and the Association of Professional Engineers of Ontario in the maintenance of the professional relationship between the two associations.

Composition

(2) The Joint Practice Board shall be composed of a chairman, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario.

Appointment of chairman

(3) The Lieutenant Governor in Council may appoint the chairman after requesting and considering the views, if any, of the council of each of the associations and may provide for remuneration and payment of the expenses, or either of them, of the chairman.

Appointment of members by Council

(4) The Council shall appoint to the Joint Practice Board the three members representing the Association and shall prescribe the term of each appointment.

Recommendations

(5) The Joint Practice Board may recommend to the Council,

(a) that the Council direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization;

(b) that an inspection be made of records, other than financial records, of a specific member of the Association, holder of a certificate of practice or holder of a temporary licence as part of a program of inspection of records other than financial records.

Direction by Council to issue licence or certificate of practice

(6) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization.

Referral of dispute to Joint Practice Board

(7) Where a dispute arises between an architect and a professional engineer as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Prac-

tice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer to resolve the dispute in accordance with the rules in section 11.

Commencement of proceedings

(8) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (7) except upon the certificate of the chairman of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Certificate

(9) The certificate of the chairman is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the chairman.

Annual report

53.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Application of R.S.O.1980, c. 95

54.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).

2. Section 94 (which relates to auditors) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.

3. Subsection 95 (1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,

   i. the exception as provided in subsection 95 (2), and

   ii. the reference to an affiliated company.

4. Section 96 (which relates to the auditor's functions).

5. Subsection 97 (1), exclusive of clause 97 (1) (b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.

6. Subsection 97 (3) (which relates to the auditor's report).

7. Section 122 (which relates to the liability of members).

8. Section 276 (which relates to the holding of land) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.

9. Section 280 (which relates to making contracts).

10. Section 281 (which relates to power of attorney).

11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.

12. Section 292 (which relates to validity of acts of directors).

13. Section 294 (which relates to general meetings).

14. Section 297 (which relates to directions by a court as to holding a meeting).

15. Section 299 (which relates to minutes of meetings).

16. Section 302 (which relates to books of account).

17. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

18. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,

    i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and

    ii. the Attorney General shall be deemed to be the Minister referred to in the section.

19. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

20. Section 310 (which relates to investigations and audits).

21. Section 323 (which relates to evidence of by-laws and certificates of amounts due).

22. Section 329 (which relates to removal of proceedings into the Supreme Court).

23. Section 330 (which relates to appeals).

24. Section 331 (which relates to untrue statements) and, for the purpose,

    i. the section shall be deemed not to refer to regulations made under that Act, and

    ii. the Attorney General and the Deputy Attorney General shall be deemed to be the Minister and the Deputy Minister referred to in the section.

25. Section 333 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

Interpretation

(2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder.

Repeal

55.—(1) The *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, is repealed.

References R.S.O.1980, c. 26

(2) Any reference in any Act or regulation to the *Architects Act* shall be deemed to be a reference to this Act.

Idem

(3) Any reference in any Act or regulation to an architect as a member of the Association under the *Architects Act* shall be deemed to be a reference to an architect licensed under this Act.

Commencement

56. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

57. The short title of this Act is the *Architects Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 124

An Act to amend the Wages Act

The Hon. R. McMurtry
Attorney General

1st Reading November 18th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Section 7 of the Act is rewritten to make it consistent with current civil procedure. The percentage of wages that is exempt from seizure or garnishment (unless the court orders otherwise) is increased from 70 to 80 per cent of the amount remaining after compulsory deductions.

Where a creditor seeks to enforce an order for support or maintenance, the exempt portion is, instead, 50 per cent of net wages (unless the court orders otherwise). This special provision is intended to replace section 30 of the *Family Law Reform Act,* which will be repealed by the *Courts of Justice Act, 1983.*

References to "attachment" are dropped and the newer concept of "garnishment" is used instead.

SECTION 2. Section 8 of the Act relates to relief from garnishment on terms and will be replaced by provisions for continuing garnishment in the new Rules of Civil Procedure. Section 9 is obsolete. Both are repealed.

Bill 124 1983

An Act to amend the Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of the *Wages Act*, being chapter 526 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7, re-enacted

7.—(1) For the purposes of this section, "wages" does not include an amount that an employer is required by law to deduct from wages. Net wages subject to garnishment

(2) Subject to subsection (3), 80 per cent of a person's wages are exempt from seizure or garnishment. Exemption from seizure or garnishment

(3) Fifty per cent of a person's wages are exempt from seizure or garnishment in the enforcement of an order for support or maintenance enforceable in Ontario. Idem, support or maintenance

(4) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person's wages is issued may, on motion by the creditor on notice to the person, order that the exemption set out in subsection (2) or (3) be decreased, if the judge is satisfied that it is just to do so, having regard to the nature of the debt owed to the creditor, the person's financial circumstances and any other matter the judge considers relevant. Judge may decrease exemption

(5) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person's wages is issued may, on motion by the person on notice to the creditor, order that the exemption set out in subsection (2) or (3) be increased, if the judge is satisfied that it is just to do so, having regard to the person's financial circumstances and any other matter the judge considers relevant. Judge may increase exemption

(6) Where an employer receives notice of a motion under subsection (4) or (5), the employer may pay into court the part of the person's wages that is not exempt from seizure or gar- Employer may pay into court

nishment under subsection (2) or (3), as the case may be, and the judge on the hearing of the motion may make such order for payment out of court as is just.

Wage assignments

(7) Subject to subsection (8), an assignment of wages or any part of them to secure payment of a debt is invalid.

Idem, credit unions R.S.O.1980, c. 102

(8) A person may assign to a credit union to which the *Credit Unions and Caisses Populaires Act* applies the part of the person's wages that does not exceed the part that may be seized or garnished under this section.

Application of s. 7 (2, 3)

(2) Subsections 7 (2) and (3) of the said Act, as re-enacted by subsection (1), apply where a seizure of wages under a writ of execution is made by the sheriff or bailiff, or a notice of garnishment is served on an employer, on or after the day this section comes into force.

ss. 8, 9, repealed

2. Sections 8 and 9 of the said Act are repealed.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Wages Amendment Act, 1983*.

Bill 124

(Chapter 68
Statutes of Ontario, 1983)

An Act to amend the Wages Act

The Hon. R. McMurtry
Attorney General

1st Reading	November 18th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 124 1983

An Act to amend the Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 7 of the *Wages Act*, being chapter 526 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7, re-enacted

7.—(1) For the purposes of this section, "wages" does not include an amount that an employer is required by law to deduct from wages. Net wages subject to garnishment

(2) Subject to subsection (3), 80 per cent of a person's wages are exempt from seizure or garnishment. Exemption from seizure or garnishment

(3) Fifty per cent of a person's wages are exempt from seizure or garnishment in the enforcement of an order for support or maintenance enforceable in Ontario. Idem, support or maintenance

(4) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person's wages is issued may, on motion by the creditor on notice to the person, order that the exemption set out in subsection (2) or (3) be decreased, if the judge is satisfied that it is just to do so, having regard to the nature of the debt owed to the creditor, the person's financial circumstances and any other matter the judge considers relevant. Judge may decrease exemption

(5) A judge of the court in which a writ of execution or notice of garnishment enforceable against a person's wages is issued may, on motion by the person on notice to the creditor, order that the exemption set out in subsection (2) or (3) be increased, if the judge is satisfied that it is just to do so, having regard to the person's financial circumstances and any other matter the judge considers relevant. Judge may increase exemption

(6) Where an employer receives notice of a motion under subsection (4) or (5), the employer may pay into court the part of the person's wages that is not exempt from seizure or gar- Employer may pay into court

nishment under subsection (2) or (3), as the case may be, and the judge on the hearing of the motion may make such order for payment out of court as is just.

Wage assignments

(7) Subject to subsection (8), an assignment of wages or any part of them to secure payment of a debt is invalid.

Idem, credit unions R.S.O.1980, c. 102

(8) A person may assign to a credit union to which the *Credit Unions and Caisses Populaires Act* applies the part of the person's wages that does not exceed the part that may be seized or garnished under this section.

Application of s. 7 (2, 3)

(2) Subsections 7 (2) and (3) of the said Act, as re-enacted by subsection (1), apply where a seizure of wages under a writ of execution is made by the sheriff or bailiff, or a notice of garnishment is served on an employer, on or after the day this section comes into force.

ss. 8, 9, repealed

2. Sections 8 and 9 of the said Act are repealed.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Wages Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 125

An Act to provide for a Public Advocate in Ontario

Mr. Swart

1st Reading November 18th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to provide for a Public Advocate in Ontario. The function of the Public Advocate is to represent the public interest in Ontario at rate hearings before tribunals and commissions. The Public Advocate is also provided with the authority to intervene in hearings at which environmental matters are considered where, in the opinion of the Public Advocate, a broad general interest may be affected as a result of the hearing. The Bill provides for the Public Advocate to be appointed by the Lieutenant Governor in Council on the address of the Legislative Assembly of Ontario, and the Public Advocate is required to report annually on the affairs of his office to the Speaker. The Bill also provides authority for the Lieutenant Governor in Council to fix a levy to be paid by corporations that make application for a rate increase for the purpose of paying the expenses incurred by the Public Advocate in carrying out his functions and duties.

Bill 125 1983

An Act to provide for a Public Advocate in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation
R.S.O. 1980, c. 140

1. In this Act, "environment" has the same meaning as in the *Environmental Assessment Act*.

Consumer advocate

2. There shall be appointed, as an officer of the Legislature, a Public Advocate, to exercise the powers and perform the duties prescribed by this Act.

Appointment

3. The Public Advocate shall be appointed by the Lieutenant Governor in Council on the address of the Assembly.

Term of office

4.—(1) Subject to this Act, the Public Advocate shall hold office for a term of five years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.

Reappointment and retirement

(2) The Public Advocate may be reappointed for a further term or terms, but shall retire upon attaining the age of sixty-five years.

Nature of employment

5. The Public Advocate shall devote himself exclusively to the duties of his office and shall not hold any other office under the Crown or engage in any other employment.

Salary

6. The Public Advocate may be paid a salary to be fixed by the Lieutenant Governor in Council.

Staff

7. Subject to the approval of the Lieutenant Governor in Council, the Public Advocate may employ such officers and other employees as the Public Advocate considers necessary for the efficient operation of his office and may determine their salary, remuneration and terms and conditions of employment.

Annual report

8. The Public Advocate shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Function: rate hearings

9.—(1) The function of the Public Advocate is to represent the public interest in hearings before and appeals from any tribunal or commission empowered to set or review a rate, toll, fare or charge for a product or service provided to the public.

Function: environmental hearings

(2) Where a hearing before a tribunal or commission concerns an enterprise, activity or proposal that, in the opinion of the Public Advocate, affects a broad public interest in the environment, the Public Advocate may intervene in the hearing to represent the broad public interest.

Standing

(3) The Public Advocate shall be accorded standing as an intervenor and party at any hearing referred to in subsections (1) and (2) notwithstanding any provision of any Act, regulation, rule of procedure or other rule of law that would deny standing to the Public Advocate before the tribunal or commission.

Considerations

(4) In determining whether or not to represent the public interest in a proceeding under subsection (1) or (2), the Public Advocate shall consider the importance and extent of the public interest involved and whether that interest would be adequately represented without the action of the Public Advocate and, if the Public Advocate determines that there are inconsistent public interests involved in a particular matter, the Public Advocate may choose to represent one such interest based on the foregoing considerations.

Guidance rules

10. The Assembly may make general rules for the guidance of the Public Advocate in the exercise of his functions under this Act.

Levy

11. The Lieutenant Governor in Council may, by regulation, fix a levy that shall be specifically assessed upon any corporation that makes application to a tribunal or commission for approval or review of a rate increase for the purpose of paying the expenses incurred by the Public Advocate in carrying out his functions and duties under this Act but the amount of the levy shall not in any year exceed one-tenth of one per cent of the corporation's gross revenue in its most recently completed financial year.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

13. The short title of this Act is the *Public Advocate Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 126

An Act to require the Payment of Interest on Consumers' Utility Deposits

Mr. Mackenzie

1st Reading November 21st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would require suppliers of gas, electric power and telephone services to pay interest at the Bank of Canada prime rate on consumers' deposits.

Bill 126 1983

An Act to require the Payment of Interest on Consumers' Utility Deposits

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "consumer" means an individual who purchases gas, electric power or telephone services for personal or family use and not in the course of carrying on business;

(b) "gas" has the same meaning as in the *Ontario Energy Board Act*; R.S.O. 1980, c. 332

(c) "prime rate" means the lowest rate of interest quoted by chartered banks to the most credit-worthy borrowers for prime business loans, as determined and published by the Bank of Canada in the periodic publication entitled the Bank of Canada Review.

2.—(1) Where a person requires a deposit from a consumer as a condition of providing the consumer with gas, electric power or telephone services, the person shall pay the consumer interest on the deposit in accordance with subsection (2). Interest on deposits

(2) Interest required under subsection (1) shall be paid quarterly and shall be calculated monthly at the prime rate existing for that month. Idem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Utility Deposits Interest Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 127

An Act to amend the Employment Standards Act

Mr. Martel

1st Reading November 22nd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to prohibit an employer from requiring an employee to work more than five consecutive days without a day of rest.

Bill 127 1983

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 22a, enacted

22a. Notwithstanding anything in this Part, an employer shall not require an employee to perform work on more than five consecutive days without a day of rest. Maximum consecutive days of work

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Employment Standards Amendment Act, 1983*. Short title

Bill 128

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading November 24th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill extends the operation of the *Residential Complexes Financing Costs Restraint Act, 1982* for a period of one year, that is, from the 31st day of December, 1983 to the 31st day of December, 1984.

Bill 128 1983

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 (1) of the *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59, is repealed and the following substituted therefor: s. 7 (1), re-enacted

(1) This Act is repealed on the 31st day of December, 1984. Repeal

(2) Subsection 7 (2) of the said Act is amended by striking out "1983" in the fourth line and inserting in lieu thereof "1984". s. 7 (2), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Complexes Financing Costs Restraint Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 128

(Chapter 69
Statutes of Ontario, 1983)

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

1st Reading	November 24th, 1983
2nd Reading	November 29th, 1983
3rd Reading	December 1st, 1983
Royal Assent	December 2nd, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 128 **1983**

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 (1) of the *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59, is repealed and the following substituted therefor: s. 7 (1), re-enacted

(1) This Act is repealed on the 31st day of December, 1984. Repeal

(2) Subsection 7 (2) of the said Act is amended by striking out "1983" in the fourth line and inserting in lieu thereof "1984". s. 7 (2), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Complexes Financing Costs Restraint Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 130

An Act to amend the Ministry of Health Act

Ms Copps

1st Reading November 25th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill is intended to ensure that hospitals and clinics in Ontario comply with and promote the World Health Organization Code of Marketing of Breast Milk Substitutes.

Bill 130 1983

An Act to amend the Ministry of Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 (1) of the *Ministry of Health Act*, being chapter 280 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 6 (1), amended

(k) to ensure that,

(i) all educational or informative literature, equipment and materials related to infant nutrition that are distributed through or used in hospitals or health facilities comply with the World Health Organization Code of Marketing of Breast Milk Substitutes,

(ii) hospitals and health facilities take appropriate measures to encourage breast feeding and promote the principles of the World Health Organization Code of Marketing of Breast Milk Substitutes, and

(iii) the use of infant formula and similar products is not promoted in or by a hospital or health facility.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Ministry of Health Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 198

Bill 131

An Act to Protect the Purchasers of Used Motor Vehicles

Mr. Boudria

1st Reading November 28th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would require used car dealers to give consumers detailed information about used cars that are offered for sale, and would impose a statutory warranty of fitness. The warranty period would vary with the age and mileage of the used car.

Bill 131 1983

An Act to Protect the Purchasers of Used Motor Vehicles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "consumer" means an individual who purchases a motor vehicle for personal or household use;

(b) "motor vehicle" and "motor vehicle dealer" have the same meaning as in the *Motor Vehicle Dealers Act*; R.S.O. 1980, c. 299

(c) "prescribed" means prescribed by the regulations made under this Act;

(d) "used", when used in reference to a motor vehicle, means that the motor vehicle has had at least one previous owner other than its manufacturer and a motor vehicle dealer.

2. This Act does not apply in respect of the sale of a motor vehicle under an option to purchase contained in a lease of the motor vehicle. Exception

3. The class of a used motor vehicle, Class of used motor vehicle

(a) is "A" where,

(i) not more than two years have passed since the day that motor vehicles of the same make and model year were first offered for sale, or

(ii) the motor vehicle has not been driven more than 40,000 kilometres;

(b) is "B" where clause (a) does not apply and,

(i) not more than three years have passed since the day that motor vehicles of the same make and model year were first offered for sale, or

(ii) the motor vehicle has not been driven more than 60,000 kilometres;

(c) is "C" where clauses (a) and (b) do not apply and,

(i) not more than five years have passed since the day that motor vehicles of the same make and model year were first offered for sale, or

(ii) the motor vehicle has not been driven more than 80,000 kilometres; and

(d) is "D" where,

(i) more than five years have passed since the day that motor vehicles of the same make and model year were first offered for sale, or

(ii) the motor vehicle has been driven more than 80,000 kilometres.

Label required

4.—(1) No motor vehicle dealer shall offer a used motor vehicle for sale without affixing to it a label that is clearly legible from outside the vehicle and states,

(a) the class of the used motor vehicle and the nature of the warranty, if any, conferred by subsection 6 (1);

(b) the number of miles or kilometres registered on the odometer and the number of miles or kilometres that the used motor vehicle has actually been driven;

(c) the make, model, model year and serial number of the used motor vehicle and the cubic capacity of its engine;

(d) whether the used motor vehicle has been used as a taxi, police car, ambulance, driver training car or demonstrator car;

(e) whether the used motor vehicle has been rented or leased;

(f) the identity of every previous owner of the used motor vehicle who used it in the course of carrying on business;

(g) any repairs made to the used motor vehicle since it came into the motor vehicle dealer's possession;

(h) the details of any warranty offered by the motor vehicle dealer in addition to the warranty conferred by subsection 6 (1); and

(i) the name, address and telephone number of the person who last owned the used motor vehicle.

Dealer may rely on previous owner's statement

(2) For the purpose of making the statements referred to in clauses (1) (b), (d), (e) and (f), a motor vehicle dealer may rely on the written statements of the last owner of the used motor vehicle, if the motor vehicle dealer so states on the label.

Prohibition

(3) No person shall knowingly make a false statement on a label referred to in subsection (1).

Contract

5. A contract between a motor vehicle dealer and a consumer for the sale of a used motor vehicle shall be in writing and shall incorporate the label referred to in subsection 4 (1).

Implied warranty

6.—(1) A contract between a motor vehicle dealer and a consumer for the sale of a used motor vehicle includes a warranty that the used motor vehicle will remain in good working order,

(a) where its class is "A", for six months from the date of delivery to the consumer or until the car has been driven 10,000 kilometres after that date, whichever is earlier;

(b) where its class is "B", for three months from the date of delivery to the consumer or until the car has been driven 5,000 kilometres after that date, whichever is earlier; and

(c) where its class is "C", for one month from the date of delivery to the consumer or until the car has been driven 1,700 kilometres after that date, whichever is earlier.

Exception

(2) The warranty conferred by subsection (1) does not apply to,

(a) upholstery or decorative items;

(b) prescribed accessories; or

(c) damage that is the result of collision, abuse or neglect.

Listed defects

7. Where a motor vehicle dealer who offers a class "A", "B" or "C" used motor vehicle for sale indicates, on the label referred to in subsection 4 (1), defects of the used motor vehicle and an estimate of the cost of their repair,

(a) the motor vehicle dealer is bound to perform the repairs or have them performed at the estimated price at the request of a consumer who purchases the used motor vehicle; and

(b) the warranty conferred by subsection 6 (1) does not apply in respect of the defects.

Offence

8. A person who contravenes subsection 4 (1) or (3), and a director, officer or employee of a corporation who authorizes, permits or acquiesces in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding $5,000.

Regulations

9. The Lieutenant Governor in Council may make regulations prescribing accessories for the purpose of clause 6 (2) (b).

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is the *Used Car Buyers Protection Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 132

An Act to amend the Powers of Attorney Act

The Hon. R. McMurtry
Attorney General

1st Reading November 29th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

This Bill is complementary to the Bill to amend the *Mental Health Act*.

SECTION 1. At present, a power of attorney to survive legal incapacity is revoked upon the Public Trustee becoming committee automatically when the donor is certified as mentally incompetent under the *Mental Health Act*.

The amendment would permit the donor of the power to expressly exclude the statutory committeeship of the Public Trustee under those circumstances.

SECTION 2. The amendment would continue to exclude enduring powers of attorney where a committee is appointed except in the case of express provision which would exclude the statutory committeeship of the Public Trustee under the *Mental Health Act*.

The Public Trustee may regain this committeeship by court order.

SECTION 3. The form of general power of attorney is amended to add the form of the provision provided for in section 1 of this Bill.

Bill 132 1983

An Act to amend the Powers of Attorney Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 5a, enacted

5a.—(1) Where a provision referred to in section 5 is included in a power of attorney, the power of attorney may also include a provision as set out in Form 1 expressly excluding the operation of clauses 38 (1) (a) and (b) of the *Mental Health Act* in the event the donor is found not competent to manage his estate under that Act. Powers of attorney to exclude committeeship of Public Trustee under R.S.O.1980, c. 262, s. 38

(2) Where a power of attorney containing a provision referred to in section 5 is in effect on the day the *Powers of Attorney Amendment Act, 1983* comes into force and the donor of the power has legal incapacity on the 1st day of January, 1984, the power of attorney shall be deemed to contain the provision referred to in subsection (1). Idem 1983, c...

2.—(1) Clause 8 (c) of the said Act is amended by adding at the end thereof "unless the power of attorney also contains the provision referred to in section 5a". s. 8 (c), amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8, amended

(2) A power of attorney that contains both the provisions referred to in sections 5 and 5a becomes invalid and of no effect upon the appointment of a committee of the estate of the donor by a court. Effect of committeeship by court order

3. Form 1 of the said Act is repealed and the following substituted therefor: Form 1, re-enacted

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on

.....19..... , by .....
(Date) (Donor)

of .....

1. I appoint ..... of .....
(Attorney)

(or ..... of .....
(Attorney)

and ..... of .....
(Attorney)

jointly *or* jointly and severally) to be my attorney(s) in accordance with the *Powers of Attorney Act* and to do on my behalf anything that I can lawfully do by an attorney.

2. This power of attorney is subject to the following conditions and restrictions:

(N.B. This space may be left blank)

OPTIONAL PARAGRAPHS DEALING WITH SUBSEQUENT LEGAL INCAPACITY OF THE DONOR

3. (The following paragraph may be included if the donor wishes the authority granted by this power of attorney to continue notwithstanding any subsequent mental infirmity on his part:)

In accordance with the *Powers of Attorney Act*, I declare that this power of attorney may be exercised during any subsequent legal incapacity on my part.

4. (Where paragraph 3 is included, the following paragraph may also be included if the donor wishes to provide that the Public Trustee shall not be committee of the donor's estate where the donor enters a psychiatric facility and is certified by a physician to be not competent to manage his estate as provided by the *Mental Health Act*:)

In accordance with the *Powers of Attorney Act*, I declare that, after due consideration, I am satisfied that the authority conferred on the attorney(s) named in this power of attorney is adequate to provide for the competent and effectual management of all my estate in case I should become a patient in a psychiatric facility and be certified as not competent to manage my estate under the *Mental Health Act*. I therefore direct that in that event, the attorney(s) named in this power of attorney may retain this power of attorney for the management of my estate by complying with subsection 38 (2) of the *Mental Health Act* and in that case the Public Trustee shall not become committee of my estate as would otherwise be the case under clauses 38 (1) (a) and (b) of that Act.

(Note: Where this paragraph is included and the donor of a power enters a psychiatric facility, the attorney must notify the Public Trustee immediately, in writing, of his intention to manage all the estate by means of the power of attorney and supply the Public Trustee with a copy of it.)

WITNESSED BY:

.....
(Signature of Witness)

.....
(Name of Witness)

.....
(Address)

.....
(Donor)

4. **This Act comes into force on the day it receives Royal Assent.** Commencement

5. **The short title of this Act is the *Powers of Attorney Amendment Act, 1983*.** Short title

Bill 132

(Chapter 74
Statutes of Ontario, 1983)

An Act to amend the Powers of Attorney Act

The Hon. R. McMurtry
Attorney General

1st Reading	November 29th, 1983
2nd Reading	December 12th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 132 1983

An Act to amend the Powers of Attorney Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 5a, enacted

5a.—(1) Where a provision referred to in section 5 is included in a power of attorney, the power of attorney may also include a provision as set out in Form 1 expressly excluding the operation of clauses 38 (1) (a) and (b) of the *Mental Health Act* in the event the donor is found not competent to manage his estate under that Act. Powers of attorney to exclude committeeship of Public Trustee under R.S.O.1980, c. 262, s. 38

(2) Where a power of attorney containing a provision referred to in section 5 is in effect on the day the *Powers of Attorney Amendment Act, 1983* comes into force and the donor of the power has legal incapacity on the 1st day of January, 1984, the power of attorney shall be deemed to contain the provision referred to in subsection (1). Idem 1983, c. 74

2.—(1) Clause 8 (c) of the said Act is amended by adding at the end thereof "unless the power of attorney also contains the provision referred to in section 5a". s. 8 (c), amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8, amended

(2) A power of attorney that contains both the provisions referred to in sections 5 and 5a becomes invalid and of no effect upon the appointment of a committee of the estate of the donor by a court. Effect of committeeship by court order

3. Form 1 of the said Act is repealed and the following substituted therefor: Form 1, re-enacted

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on

.....19..... , by .....
(Date) (Donor)

of .....

1. I appoint ..... of .....
(Attorney)

(or ..... of .....
(Attorney)

and ..... of .....
(Attorney)

jointly *or* jointly and severally) to be my attorney(s) in accordance with the *Powers of Attorney Act* and to do on my behalf anything that I can lawfully do by an attorney.

2. This power of attorney is subject to the following conditions and restrictions:

(N.B. This space may be left blank)

OPTIONAL PARAGRAPHS DEALING WITH SUBSEQUENT LEGAL INCAPACITY OF THE DONOR

3. (The following paragraph may be included if the donor wishes the authority granted by this power of attorney to continue notwithstanding any subsequent mental infirmity on his part:)

In accordance with the *Powers of Attorney Act*, I declare that this power of attorney may be exercised during any subsequent legal incapacity on my part.

4. (Where paragraph 3 is included, the following paragraph may also be included if the donor wishes to provide that the Public Trustee shall not be committee of the donor's estate where the donor enters a psychiatric facility and is certified by a physician to be not competent to manage his estate as provided by the *Mental Health Act*:)

In accordance with the *Powers of Attorney Act*, I declare that, after due consideration, I am satisfied that the authority conferred on the attorney(s) named in this power of attorney is adequate to provide for the competent and effectual management of all my estate in case I should become a patient in a psychiatric facility and be certified as not competent to manage my estate under the *Mental Health Act*. I therefore direct that in that event, the attorney(s) named in this power of attorney may retain this power of attorney for the management of my estate by complying with subsection 38 (2) of the *Mental Health Act* and in that case the Public Trustee shall not become committee of my estate as would otherwise be the case under clauses 38 (1) (a) and (b) of that Act.

(Note: Where this paragraph is included and the donor of a power enters a psychiatric facility, the attorney must notify the Public Trustee immediately, in writing, of his intention to manage all the estate by means of the power of attorney and supply the Public Trustee with a copy of it.)

WITNESSED BY:	
.....	
(Signature of Witness)	
.....	.....
(Name of Witness)	(Donor)
.....	
(Address)	

4. **This Act comes into force on the day it receives Royal Assent.** Commencement

5. **The short title of this Act is the *Powers of Attorney Amendment Act, 1983*.** Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 133

An Act to amend the Mental Health Act

The Hon. R. McMurtry
Attorney General

1st Reading November 29th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

This Bill is complementary to the Bill to amend the *Powers of Attorney Act.*

SECTIONS 1 and 2. The provisions give a general power of attorney containing the specific provision provided for in the Bill to amend the *Powers of Attorney Act* primacy over the statutory appointment of the Public Trustee as committee of the estate of the donor of the power who is certified as mentally incompetent.

The Public Trustee may be reinstated by court order only.

SECTION 3. The provision repealed now reads as follows:

48. Upon the Public Trustee becoming committee of the estate of a person under this Act or by an order made under this Act, every power of attorney of such person is void.

In respect of powers of attorney that endure during legal incapacity, the section repealed is conflicting; in respect of other powers of attorney, it is unnecessary.

Bill 133 1983

An Act to amend the Mental Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 38, amended

(2) Where the donee of a power of attorney that contains a provision referred to in section 5a of the *Powers of Attorney Act* satisfies the Public Trustee of the existence of the power and notifies the Public Trustee of the donee's intention to manage all the estate by means of the power of attorney, the committeeship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated. Notice of power of attorney under R.S.O.1980, c. 386, s. 5a

(3) Where the committeeship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated under subsection (2), the Supreme Court may, at any time upon the application of the Public Trustee, appoint him as committee of the estate of the donor of the power of attorney with all or any of the rights and powers conferred upon him by this Act with regard to the management of estates. Appointment of Public Trustee as committee by court order

2. Section 42 of the said Act is amended by adding thereto the following clause: s. 42, amended

(ba) upon receipt of satisfactory evidence of a power of attorney that contains the provisions referred to in sections 5 and 5a of the *Powers of Attorney Act* and the notice referred to in subsection 38 (2).

3. Section 48 of the said Act is repealed. s. 48, repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Mental Health Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 133

(Chapter 75
Statutes of Ontario, 1983)

An Act to amend the Mental Health Act

The Hon. R. McMurtry
Attorney General

1st Reading	November 29th, 1983
2nd Reading	December 12th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 133 1983

An Act to amend the Mental Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 38, amended

(2) Where the donee of a power of attorney that contains a provision referred to in section 5a of the *Powers of Attorney Act* satisfies the Public Trustee of the existence of the power and notifies the Public Trustee of the donee's intention to manage all the estate by means of the power of attorney, the committeeship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated. Notice of power of attorney under R.S.O.1980, c. 386, s. 5a

(3) Where the committeeship of the Public Trustee under clauses (1) (a) and (b) is excluded or terminated under subsection (2), the Supreme Court may, at any time upon the application of the Public Trustee, appoint him as committee of the estate of the donor of the power of attorney with all or any of the rights and powers conferred upon him by this Act with regard to the management of estates. Appointment of Public Trustee as committee by court order

2. Section 42 of the said Act is amended by adding thereto the following clause: s. 42, amended

(ba) upon receipt of satisfactory evidence of a power of attorney that contains the provisions referred to in sections 5 and 5a of the *Powers of Attorney Act* and the notice referred to in subsection 38 (2).

3. Section 48 of the said Act is repealed. s. 48, repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Mental Health Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 134

An Act to amend the Immunization of School Pupils Act, 1982

The Hon. K. C. Norton
Minister of Health

1st Reading December 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Clause 1 (a) of the Act defines "Board" to mean the Health Facilities Appeal Board under the *Ambulance Act*. The amendment changes the definition so that hearings under the Act will be held by the Health Protection Appeal Board under the *Health Protection and Promotion Act, 1983*.

SECTION 2. Section 12 of the Act provides for a hearing by the Board at the request of a parent of a pupil suspended or excluded from school under an order by a medical officer of health.

New subsection (4a) requires the Board to hold the hearing within fifteen days after receipt of the written notice requiring the hearing.

Bill 134 1983

An Act to amend the Immunization of School Pupils Act, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 1 (a), re-enacted

1.—(1) Clause 1 (a) of the *Immunization of School Pupils Act, 1982*, being chapter 41, is repealed and the following substituted therefor:

(a) "Board" means the Health Protection Appeal Board under the *Health Protection and Promotion Act, 1983*. 1983, c. 10

Transition

(2) Where, before subsection (1) comes into force, a proceeding has been commenced before the Health Facilities Appeal Board respecting an order made under the *Immunization of School Pupils Act, 1982*, and,

(a) evidence has been given before the Health Facilities Appeal Board, clause 1 (a) of the said Act continues in force in respect of the proceeding as if not repealed and re-enacted by subsection (1); or

(b) evidence has not been given before the Health Facilities Appeal Board, the proceeding shall be transferred to and shall become a proceeding before the Health Protection Appeal Board and the Health Protection Appeal Board may give such directions to the parties as the Board considers proper in respect of the transfer of the proceeding.

s. 12, amended

2. Section 12 of the said Act is amended by adding thereto the following subsection:

Time for hearing

(4a) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time at the request or with the consent of the person requiring the

hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Immunization of School Pupils Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 134

(Chapter 76
Statutes of Ontario, 1983)

An Act to amend the Immunization of School Pupils Act, 1982

The Hon. K. C. Norton
Minister of Health

1st Reading	December 1st, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 134 1983

An Act to amend the Immunization of School Pupils Act, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (a) of the *Immunization of School Pupils Act, 1982*, being chapter 41, is repealed and the following substituted therefor: s. 1 (a), re-enacted

(a) "Board" means the Health Protection Appeal Board under the *Health Protection and Promotion Act, 1983*. 1983, c. 10

(2) Where, before subsection (1) comes into force, a proceeding has been commenced before the Health Facilities Appeal Board respecting an order made under the *Immunization of School Pupils Act, 1982*, and, Transition

(a) evidence has been given before the Health Facilities Appeal Board, clause 1 (a) of the said Act continues in force in respect of the proceeding as if not repealed and re-enacted by subsection (1); or

(b) evidence has not been given before the Health Facilities Appeal Board, the proceeding shall be transferred to and shall become a proceeding before the Health Protection Appeal Board and the Health Protection Appeal Board may give such directions to the parties as the Board considers proper in respect of the transfer of the proceeding.

2. Section 12 of the said Act is amended by adding thereto the following subsection: s. 12, amended

(4a) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time at the request or with the consent of the person requiring the Time for hearing

hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *Immunization of School Pupils Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 135

An Act to amend the Construction Lien Act, 1983

The Hon. R. McMurtry
Attorney General

1st Reading December 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

GENERAL

The Bill provides that a "home buyer" (as defined) is not an owner for the purposes of the Act, so that a mortgage given or assumed by such a person is not subject to the priority otherwise given to liens arising out of the construction of, or other improvements made to, the premises being purchased. In addition, the Bill clarifies certain other provisions of the Act and corrects certain technical errors.

SECTION 1.—Subsection 1. "Home" is defined as a single-family dwelling, duplex or residential condominium unit.

"Home buyer" is defined as a person purchasing a home whose down-payment does not exceed 30 per cent of the purchase price and who does not take title to the premises until the home is ready for occupancy (evidenced in the case of a new home by a municipal occupancy permit or a certificate of completion under the *Ontario New Home Warranties Plan Act*).

Subsection 2. Paragraph 15 of subsection 1 (1) defines "owner" for the purposes of the Act; a "home buyer" is excluded from that definition.

Subsection 3. The amendment corrects a technical error in the definition of the term "written notice of a lien".

SECTION 2. Subsection 3 (3) of the Act now reads as follows:

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the Architects Act does not have a lien.

The re-enactment is designed to make it clear that employees of an architect, as well as the architect himself, do not have a lien.

SECTION 3. The retention of holdbacks on the closing of a transaction of purchase and sale by a purchaser who is an owner is specifically authorized.

SECTION 4. Section 20 of the Act provides for a general lien against each of the several premises involved where a single contract is entered into for improvements on more than one premises.

The subsection to be added provides that a general lien does not arise under those circumstances, where the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

SECTION 5. The subsection to be added to section 36 of the Act (providing for the perfecting of a preserved lien by commencing an action) permits a person who has preserved a lien to perfect it by commencing an action before a period of credit he has extended has expired.

SECTION 6. An incorrect expression is rectified; no change in substance is involved.

SECTION 7.—Subsection 1. Subsection 39 (1) of the Act sets out a list of the kinds of information that a person having a lien may require to be provided by an owner or contractor. Added by new subparagraph v to that list is whether the contract provides that liens shall arise and expire on a lot-by-lot basis. See the Note to section 4 of the Bill.

Subsection 2. The amendment will require the providing of information to a person having a lien to enable him to ascertain whether the purchaser of the premises is a "home buyer".

SECTION 8. The amendment is to the same purpose as that set out in section 6 of the Bill.

SECTION 9.—Subsection 1. The introductory words to subsection 80 (5) of the Act now are "Where any mortgage is registered ...". As re-enacted, the subsection will commence

"Where a mortgage affecting the owner's interest in the premises is registered ...". The change is intended to make it clear that the priority of liens over mortgages set out in the subsection applies only in the case where a mortgage that affects the owner's interest in the premises is registered.

Subsection 2. Subsection 80 (10) of the Act now reads as follows:

(10) A financial guarantee bond in a form prescribed may be registered on the title to the premises, and where the bond is registered a purchaser who takes title from the mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5), the security of the bond takes the place of the priority created by those subsections and persons who have proved liens have a right of action against the surety on the bond.

As re-enacted, the subsection will permit a letter of credit or a guarantee from a bank, in addition to a financial guarantee bond issued by a guarantee company, when registered on title, to take the place of the lien priorities created by subsections 80 (2) and (5) of the Act.

The new subsection (11) provides that where a mortgage is given or assumed by a home buyer, the priority of liens over the mortgage to the extent of any deficiency in the holdbacks required to be retained does not apply.

Bill 135 1983

An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Construction Lien Act, 1983*, being chapter 6, is amended by adding thereto the following paragraphs: s. 1 (1), amended

7a. "home" means,

i. a self-contained one-family dwelling, detached or attached to one or more others by a common wall,

ii. a building composed of two self-contained, one-family dwellings under one ownership, or

iii. a condominium one-family dwelling unit, including the common interests appurtenant thereto,

and includes any structure or works used in conjunction therewith;

7b. "home buyer" means a person who buys the interest of an owner in a premises that is a home, whether built or not at the time the agreement of purchase and sale in respect thereof is entered into, provided,

i. not more than 30 per cent of the purchase price, excluding money held in trust under section 53 of the *Condominium Act*, is paid prior to the conveyance, and R.S.O. 1980, c. 84

ii. the home is not conveyed until it is ready for occupancy, evidenced in the case of a new home by the issuance under the *Building Code Act* of a permit authorizing occupancy or the issuance under the *Ontario New Home* R.S.O. 1980, cc. 51, 350

Warranties Plan Act of a certificate of completion and possession.

s. 1 (1), par. 15, amended

(2) Paragraph 15 of subsection 1 (1) of the said Act is amended by adding at the end thereof "but does not include a home buyer".

s. 1 (1), par. 29, amended

(3) Paragraph 29 of the said subsection 1 (1) is amended by striking out "lien claimant" in the second line and inserting in lieu thereof "person having a lien".

s. 3 (3), re-enacted

2. Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

Architects and their employees do not have lien

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* and the employees thereof do not have a lien.

R.S.O.1980, c. 26

s. 5, amended

3. Section 5 of the said Act is amended by adding thereto the following subsection:

Retention of holdbacks authorized

(2) Without restricting the generality of subsection (1), where the purchaser is an owner, an agreement of purchase and sale that provides for the making or completion of an improvement shall be deemed to provide for the retention of holdbacks by the purchaser, and tender by the purchaser on closing is not defective by reason only that the purchaser does not tender the amount of the holdbacks.

s. 20, amended

4. Section 20 of the said Act is amended by adding thereto the following subsection:

Where subs. (1) does not apply

(2) Subsection (1) does not apply and no general lien arises under or in respect of a contract that provides in writing that liens shall arise and expire on a lot-by-lot basis.

s. 36, amended

5. Section 36 of the said Act is amended by adding thereto the following subsection:

Where period of credit extended

(6) A person who has preserved a lien, but who has extended a period of credit for the payment of the amount to which the lien relates, may commence an action for the purpose of perfecting his lien even though the period of credit has not at the time expired.

s. 37 (2), amended

6. Subsection 37 (2) of the said Act is amended by striking out "an application" in the first and second lines and inserting in lieu thereof "a motion".

7.—(1) Paragraph 1 of subsection 39 (1) of the said Act is amended by adding thereto the following subparagraph: s. 39 (1), par. 1, amended

v. a statement of whether the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

(2) Subsection 39 (1) of the said Act is amended by adding thereto the following paragraph: s. 39 (1), amended

3. By an owner who is selling his interest in a premises that is a home, with,

i. the name and address of the purchaser, the sale price, the amount of the purchase price paid or to be paid prior to the conveyance, the scheduled date of the conveyance and the lot and plan number or other legal description of the premises as contained in the agreement of purchase and sale, and

ii. the date on which a permit authorizing occupancy or a certificate of completion and possession has been issued.

8. Subsection 44 (4) of the said Act is amended by striking out "application" in the fourth line and inserting in lieu thereof "motion". s. 44 (4), amended

9.—(1) Subsection 80 (5) of the said Act is repealed and the following substituted therefor: s. 80 (5), re-enacted

(5) Where a mortgage affecting the owner's interest in the premises is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV. Special priority against subsequent mortgages

(2) Subsection 80 (10) of the said Act is repealed and the following substituted therefor: s. 80 (10), re-enacted

(10) A purchaser who takes title from a mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5) where, Financial guarantee bond

(a) a financial guarantee bond issued by a guarantee company to which the *Guarantee Companies Securities Act* applies; or R.S.O. 1980, c. 192

(b) a letter of credit or a guarantee from a bank named in Schedule A or B to the *Bank Act* (Canada),

1980-81, c. 40 (Can.)

in a form prescribed is registered on the title to the premises, and, upon registration, the security of the bond, letter of credit or the guarantee takes the place of the priority created by those subsections, and persons who have proved liens have a right of action against the surety on the bond or guarantee or the issuer of the letter of credit.

Home buyer's mortgage

(11) Subsections (2) and (5) do not apply to a mortgage given or assumed by a home buyer.

Commencement

10. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

11. The short title of this Act is the *Construction Lien Amendment Act, 1983*.

Bill 135

An Act to amend the Construction Lien Act, 1983

The Hon. R. McMurtry
Attorney General

1st Reading December 1st, 1983
2nd Reading December 13th, 1983
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

GENERAL

The Bill provides that a "home buyer" (as defined) is not an owner for the purposes of the Act, so that a mortgage given or assumed by such a person is not subject to the priority otherwise given to liens arising out of the construction of, or other improvements made to, the premises being purchased. In addition, the Bill clarifies certain other provisions of the Act and corrects certain technical errors.

SECTION 1.—Subsection 1. "Home" is defined as a single-family dwelling, duplex or residential condominium unit.

"Home buyer" is defined as a person purchasing a home whose down-payment does not exceed 30 per cent of the purchase price and who does not take title to the premises until the home is ready for occupancy (evidenced in the case of a new home by a municipal occupancy permit or a certificate of completion under the *Ontario New Home Warranties Plan Act*).

Subsection 2. Paragraph 15 of subsection 1 (1) defines "owner" for the purposes of the Act; a "home buyer" is excluded from that definition.

Subsection 3. The amendment corrects a technical error in the definition of the term "written notice of a lien".

SECTION 2. Subsection 3 (3) of the Act now reads as follows:

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the Architects Act does not have a lien.

The re-enactment is designed to make it clear that employees of an architect, as well as the architect himself, do not have a lien.

SECTION 3. The retention of holdbacks on the closing of a transaction of purchase and sale by a purchaser who is an owner is specifically authorized.

SECTION 4. Section 20 of the Act provides for a general lien against each of the several premises involved where a single contract is entered into for improvements on more than one premises.

The subsection to be added provides that a general lien does not arise under those circumstances, where the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

SECTION 5. The subsection to be added to section 36 of the Act (providing for the perfecting of a preserved lien by commencing an action) permits a person who has preserved a lien to perfect it by commencing an action before a period of credit he has extended has expired.

SECTION 6. An incorrect expression is rectified; no change in substance is involved.

SECTION 7.—Subsection 1. Subsection 39 (1) of the Act sets out a list of the kinds of information that a person having a lien may require to be provided by an owner or contractor. Added by new subparagraph v to that list is whether the contract provides that liens shall arise and expire on a lot-by-lot basis. See the Note to section 4 of the Bill.

Subsection 2. The amendment will require the providing of information to a person having a lien to enable him to ascertain whether the purchaser of the premises is a "home buyer".

SECTION 8. The amendment is to the same purpose as that set out in section 6 of the Bill.

SECTION 9.—Subsection 1. The introductory words to subsection 80 (5) of the Act now are "Where any mortgage is registered ...". As re-enacted, the subsection will commence

"Where a mortgage affecting the owner's interest in the premises is registered ...". The change is intended to make it clear that the priority of liens over mortgages set out in the subsection applies only in the case where a mortgage that affects the owner's interest in the premises is registered.

Subsection 2. Subsection 80 (10) of the Act now reads as follows:

(10) A financial guarantee bond in a form prescribed may be registered on the title to the premises, and where the bond is registered a purchaser who takes title from the mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5), the security of the bond takes the place of the priority created by those subsections and persons who have proved liens have a right of action against the surety on the bond.

As re-enacted, the subsection will permit a letter of credit or a guarantee from a bank, in addition to a financial guarantee bond issued by a guarantee company, when registered on title, to take the place of the lien priorities created by subsections 80 (2) and (5) of the Act.

The new subsection (11) provides that where a mortgage is given or assumed by a home buyer, the priority of liens over the mortgage to the extent of any deficiency in the holdbacks required to be retained does not apply.

Bill 135 1983

An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Construction Lien Act, 1983*, being chapter 6, is amended by adding thereto the following paragraphs: s. 1 (1), amended

7a. "home" means,

i. a self-contained one-family dwelling, detached or attached to one or more others by a common wall,

ii. a building composed of two self-contained, one-family dwellings under one ownership, or

iii. a condominium one-family dwelling unit, including the common interests appurtenant thereto,

and includes any structure or works used in conjunction therewith;

7b. "home buyer" means a person who buys the interest of an owner in a premises that is a home, whether built or not at the time the agreement of purchase and sale in respect thereof is entered into, provided,

i. not more than 30 per cent of the purchase price, excluding money held in trust under section 53 of the *Condominium Act*, is paid prior to the conveyance, and R.S.O. 1980, c. 84

ii. the home is not conveyed until it is ready for occupancy, evidenced in the case of a new home by the issuance of a municipal permit

authorizing occupancy or the issuance under the *Ontario New Home Warranties Plan Act* of a certificate of completion and possession.

R.S.O. 1980, c. 350

s. 1 (1), par. 15, amended

(2) Paragraph 15 of subsection 1 (1) of the said Act is amended by adding at the end thereof "but does not include a home buyer".

s. 1 (1), par. 29, amended

(3) Paragraph 29 of the said subsection 1 (1) is amended by striking out "lien claimant" in the second line and inserting in lieu thereof "person having a lien".

s. 3 (3), re-enacted

2. Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

Architects and their employees do not have lien

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* and the employees thereof do not have a lien.

R.S.O.1980, c. 26

s. 5, amended

3. Section 5 of the said Act is amended by adding thereto the following subsection:

Retention of holdbacks authorized

(2) Without restricting the generality of subsection (1), where the purchaser is an owner, an agreement of purchase and sale that provides for the making or completion of an improvement shall be deemed to provide for the retention of holdbacks by the purchaser, and tender by the purchaser on closing is not defective by reason only that the purchaser does not tender the amount of the holdbacks.

s. 20, amended

4. Section 20 of the said Act is amended by adding thereto the following subsection:

Where subs. (1) does not apply

(2) Subsection (1) does not apply and no general lien arises under or in respect of a contract that provides in writing that liens shall arise and expire on a lot-by-lot basis.

s. 36, amended

5. Section 36 of the said Act is amended by adding thereto the following subsection:

Where period of credit extended

(6) A person who has preserved a lien, but who has extended a period of credit for the payment of the amount to which the lien relates, may commence an action for the purpose of perfecting his lien even though the period of credit has not at the time expired.

6. Subsection 37 (2) of the said Act is amended by striking out "an application" in the first and second lines and inserting in lieu thereof "a motion". s. 37 (2), amended

7.—(1) Paragraph 1 of subsection 39 (1) of the said Act is amended by adding thereto the following subparagraph: s. 39 (1), par. 1, amended

v. a statement of whether the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

(2) Subsection 39 (1) of the said Act is amended by adding thereto the following paragraph: s. 39 (1), amended

3. By an owner who is selling his interest in a premises that is a home, with,

i. the name and address of the purchaser, the sale price, the amount of the purchase price paid or to be paid prior to the conveyance, the scheduled date of the conveyance and the lot and plan number or other legal description of the premises as contained in the agreement of purchase and sale, and

ii. the date on which a permit authorizing occupancy or a certificate of completion and possession has been issued.

8. Subsection 44 (4) of the said Act is amended by striking out "application" in the fourth line and inserting in lieu thereof "motion". s. 44 (4), amended

9.—(1) Subsection 80 (5) of the said Act is repealed and the following substituted therefor: s. 80 (5), re-enacted

(5) Where a mortgage affecting the owner's interest in the premises is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV. Special priority against subsequent mortgages

(2) Subsection 80 (10) of the said Act is repealed and the following substituted therefor: s. 80 (10), re-enacted

(10) A purchaser who takes title from a mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5) where, Financial guarantee bond

R.S.O. 1980, c. 192

(a) a financial guarantee bond issued by a guarantee company to which the *Guarantee Companies Securities Act* applies; or

1980-81, c. 40 (Can.)

(b) a letter of credit or a guarantee from a bank named in Schedule A or B to the *Bank Act* (Canada),

in a form prescribed is registered on the title to the premises, and, upon registration, the security of the bond, letter of credit or the guarantee takes the place of the priority created by those subsections, and persons who have proved liens have a right of action against the surety on the bond or guarantee or the issuer of the letter of credit.

Home buyer's mortgage

(11) Subsections (2) and (5) do not apply to a mortgage given or assumed by a home buyer.

Commencement

10. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

11. The short title of this Act is the *Construction Lien Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 135

(Chapter 77
Statutes of Ontario, 1983)

An Act to amend the Construction Lien Act, 1983

The Hon. R. McMurtry
Attorney General

1st Reading	December 1st, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 135 1983

An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Construction Lien Act, 1983*, being chapter 6, is amended by adding thereto the following paragraphs: s. 1 (1), amended

7a. "home" means,

i. a self-contained one-family dwelling, detached or attached to one or more others by a common wall,

ii. a building composed of two self-contained, one-family dwellings under one ownership, or

iii. a condominium one-family dwelling unit, including the common interests appurtenant thereto,

and includes any structure or works used in conjunction therewith;

7b. "home buyer" means a person who buys the interest of an owner in a premises that is a home, whether built or not at the time the agreement of purchase and sale in respect thereof is entered into, provided,

i. not more than 30 per cent of the purchase price, excluding money held in trust under section 53 of the *Condominium Act*, is paid prior to the conveyance, and R.S.O. 1980, c. 84

ii. the home is not conveyed until it is ready for occupancy, evidenced in the case of a new home by the issuance of a municipal permit

R.S.O. 1980, c. 350

authorizing occupancy or the issuance under the *Ontario New Home Warranties Plan Act* of a certificate of completion and possession.

s. 1 (1), par. 15, amended

(2) Paragraph 15 of subsection 1 (1) of the said Act is amended by adding at the end thereof "but does not include a home buyer".

s. 1 (1), par. 29, amended

(3) Paragraph 29 of the said subsection 1 (1) is amended by striking out "lien claimant" in the second line and inserting in lieu thereof "person having a lien".

s. 3 (3), re-enacted

2. Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

Architects and their employees do not have lien

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* and the employees thereof do not have a lien.

R.S.O.1980, c. 26

s. 5, amended

3. Section 5 of the said Act is amended by adding thereto the following subsection:

Retention of holdbacks authorized

(2) Without restricting the generality of subsection (1), where the purchaser is an owner, an agreement of purchase and sale that provides for the making or completion of an improvement shall be deemed to provide for the retention of holdbacks by the purchaser, and tender by the purchaser on closing is not defective by reason only that the purchaser does not tender the amount of the holdbacks.

s. 20, amended

4. Section 20 of the said Act is amended by adding thereto the following subsection:

Where subs. (1) does not apply

(2) Subsection (1) does not apply and no general lien arises under or in respect of a contract that provides in writing that liens shall arise and expire on a lot-by-lot basis.

s. 36, amended

5. Section 36 of the said Act is amended by adding thereto the following subsection:

Where period of credit extended

(6) A person who has preserved a lien, but who has extended a period of credit for the payment of the amount to which the lien relates, may commence an action for the purpose of perfecting his lien even though the period of credit has not at the time expired.

6. Subsection 37 (2) of the said Act is amended by striking out "an application" in the first and second lines and inserting in lieu thereof "a motion". s. 37 (2), amended

7.—(1) Paragraph 1 of subsection 39 (1) of the said Act is amended by adding thereto the following subparagraph: s. 39 (1), par. 1, amended

v. a statement of whether the contract provides in writing that liens shall arise and expire on a lot-by-lot basis.

(2) Subsection 39 (1) of the said Act is amended by adding thereto the following paragraph: s. 39 (1), amended

3. By an owner who is selling his interest in a premises that is a home, with,

i. the name and address of the purchaser, the sale price, the amount of the purchase price paid or to be paid prior to the conveyance, the scheduled date of the conveyance and the lot and plan number or other legal description of the premises as contained in the agreement of purchase and sale, and

ii. the date on which a permit authorizing occupancy or a certificate of completion and possession has been issued.

8. Subsection 44 (4) of the said Act is amended by striking out "application" in the fourth line and inserting in lieu thereof "motion". s. 44 (4), amended

9.—(1) Subsection 80 (5) of the said Act is repealed and the following substituted therefor: s. 80 (5), re-enacted

(5) Where a mortgage affecting the owner's interest in the premises is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV. Special priority against subsequent mortgages

(2) Subsection 80 (10) of the said Act is repealed and the following substituted therefor: s. 80 (10), re-enacted

(10) A purchaser who takes title from a mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5) where, Financial guarantee bond

R.S.O. 1980, c. 192

(a) a financial guarantee bond issued by a guarantee company to which the *Guarantee Companies Securities Act* applies; or

1980-81, c. 40 (Can.)

(b) a letter of credit or a guarantee from a bank named in Schedule A or B to the *Bank Act* (Canada),

in a form prescribed is registered on the title to the premises, and, upon registration, the security of the bond, letter of credit or the guarantee takes the place of the priority created by those subsections, and persons who have proved liens have a right of action against the surety on the bond or guarantee or the issuer of the letter of credit.

Home buyer's mortgage

(11) Subsections (2) and (5) do not apply to a mortgage given or assumed by a home buyer.

Commencement

10. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

11. The short title of this Act is the *Construction Lien Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 136

An Act respecting the Benefits of Provincial Judges and Masters

The Hon. R. McMurtry
Attorney General

1st Reading December 1st, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

This Bill provides that the power of the Lieutenant Governor in Council to make regulations respecting benefits for provincial judges and masters includes power to require contributions to the cost of benefits. The Bill also clarifies that the regulations may modify or supplant the provisions that now appear in the *Public Service Superannuation Act*.

The Bill also provides a statutory foundation for the Ontario Provincial Courts Committee, which was established by order in council in 1980 to make recommendations concerning the salaries and benefits of provincial judges.

Bill 136 1983

An Act respecting the Benefits of Provincial Judges and Masters

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 100 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: R.S.O. 1980, c. 223, s. 100, amended

(1a) Regulations made under clause (1) (b) may require masters to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions. Contributions

(1b) A regulation made under clause (1) (b) may modify or exclude the application of the *Public Service Superannuation Act*. Application of R.S.O. 1980, c. 419

(1c) A regulation made under clause (1) (b) may be general or particular in its application. Application of s. (1) (b)

2.—(1) Section 34 of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: R.S.O.1980, c. 398, s. 34, amended

(1a) Regulations made under clause (1) (d) may require judges to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions. Contributions

(1b) A regulation made under clause (1) (d) may modify or exclude the application of the *Public Service Superannuation Act*. Application of R.S.O. 1980, c. 419

(2) The said Act is amended by adding thereto the following section: R.S.O. 1980, c. 398, s. 35, enacted

35.—(1) There shall be a committee to be known as the Ontario Provincial Courts Committee, composed of three members, of whom, Ontario Provincial Courts Committee

(a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);

(b) one shall be appointed by the Lieutenant Governor in Council; and

(c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

Functions

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 34 (1) (c) and (d).

Annual report

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Tabling of recommendations

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session.

R.S.O. 1980, c. 419, s. 26, re-enacted

3. Section 26 of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Provincial judges and masters
R.S.O. 1980, cc. 398, 223

26. This Act applies to every full-time provincial judge and to every full-time master of the Supreme Court, subject to the *Provincial Courts Act* and the *Judicature Act* and the regulations under those Acts.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Provincial Judges and Masters Statute Law Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 136

(Chapter 78
Statutes of Ontario, 1983)

An Act respecting the Benefits of Provincial Judges and Masters

The Hon. R. McMurtry
Attorney General

1st Reading	December 1st, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 136 1983

An Act respecting the Benefits of Provincial Judges and Masters

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 100 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: R.S.O. 1980, c. 223, s. 100, amended

(1a) Regulations made under clause (1) (b) may require masters to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions. Contributions

(1b) A regulation made under clause (1) (b) may modify or exclude the application of the *Public Service Superannuation Act*. Application of R.S.O. 1980, c. 419

(1c) A regulation made under clause (1) (b) may be general or particular in its application. Application of s. (1) (b)

2.—(1) Section 34 of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: R.S.O.1980, c. 398, s. 34, amended

(1a) Regulations made under clause (1) (d) may require judges to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions. Contributions

(1b) A regulation made under clause (1) (d) may modify or exclude the application of the *Public Service Superannuation Act*. Application of R.S.O. 1980, c. 419

(2) The said Act is amended by adding thereto the following section: R.S.O. 1980, c. 398, s. 35, enacted

35.—(1) There shall be a committee to be known as the Ontario Provincial Courts Committee, composed of three members, of whom, Ontario Provincial Courts Committee

(a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);

(b) one shall be appointed by the Lieutenant Governor in Council; and

(c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

Functions

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 34 (1) (c) and (d).

Annual report

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Tabling of recommendations

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session.

R.S.O. 1980, c. 419, s. 26, re-enacted

3. Section 26 of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Provincial judges and masters
R.S.O. 1980, cc. 398, 223

26. This Act applies to every full-time provincial judge and to every full-time master of the Supreme Court, subject to the *Provincial Courts Act* and the *Judicature Act* and the regulations under those Acts.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Provincial Judges and Masters Statute Law Amendment Act, 1983*.

Bill 137

An Act to amend the Municipality of Metropolitan Toronto Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 2nd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTIONS 1, 2, 3, 6, 7, 8. References in the Act to the boroughs of Etobicoke, Scarborough and York are changed to read as references to the cities of Etobicoke, Scarborough and York.

SECTION 4. The proposed amendments to section 17 of the Act delete obsolete references to sections 63 and 64 of the *Municipal Act* which were repealed by the *Municipal Conflict of Interest Act, 1983*.

SECTION 5. Section 19 of the Act requires the Metropolitan clerk to supply copies of municipal documents. Under the Act, as it now reads, the clerk must charge a rate of 15 cents for each 100 words or such lower rate as the Metropolitan Council may fix. The amendment will give the municipality the same flexibility as local and county municipalities and The Regional Municipality of Ottawa-Carleton have with respect to charging fees for photocopying.

SECTION 9. Because of recent amendments to the *Municipal Elections Act*, the reference in subsection 152 (5) to biennial elections is now obsolete. It is proposed that this reference be changed to read as a reference to regular elections.

SECTION 10. Until 1982, the Metropolitan Council was required to provide for reserves in its estimates "within such limits as to type and amount as the Ministry may approve". In 1982, the Act was amended and the provisions related to reserves was deleted. The re-enactment of subsection 218 (2) restores the requirement to provide for reserves but Ministry approval will not be required. This provision will be deemed to have come into force on the 1st day of January, 1975. This will have the effect of validating reserves that were provided for in the estimates after that date without Ministry approval.

SECTION 11.—Subsection 1. Sections 104a and 121 are added as sections of the *Municipal Act* that apply to the Metropolitan Corporation. Section 104a clarifies the ability of a municipality to enact enforceable bilingual by-laws and to conduct its proceedings in English or French or English and French. Section 121 permits a municipal council to pass by-laws for entering into and performing agreements with other municipalities with respect to joint works and undertakings.

Subsection 2. Obsolete references to the alteration of the boundaries of area municipalities are deleted.

SECTION 12. References to the townships of Etobicoke and Scarborough are changed to read as references to the cities of Etobicoke and Scarborough.

SECTION 13. The re-enactment of section 264 of the Act deletes unnecessary references to the boroughs of Etobicoke, Scarborough and York. The effect of this section is to deem East York to be a city for the purposes of establishing speed limits under the *Highway Traffic Act*.

Bill 137 1983

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 1 (a) and (h) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 1 (a, h), re-enacted

(a) "area municipality" means the municipality or corporation of the Borough of East York, the City of Etobicoke, the City of North York, the City of Scarborough, the City of Toronto or the City of York;

. . . . .

(h) "Metropolitan Area" means the area from time to time included within the Borough of East York, the City of Etobicoke, the City of North York, the City of Scarborough, the City of Toronto and the City of York.

2. Subsection 5 (1) of the said Act is repealed and the following substituted therefor: s. 5 (1), re-enacted

(1) The area municipalities are entitled to the following membership on the Metropolitan Council: Metropolitan Council membership

the Borough of East York — 2 members

the City of Etobicoke — 5 members

the City of North York —10 members

the City of Scarborough — 7 members

the City of Toronto —12 members

the City of York — 3 members

s. 11 (1) (c), amended

3.—(1) Clause 11 (1) (c) of the said Act is amended by striking out "Borough" in the first line and inserting in lieu thereof "City".

s. 11 (1) (e), amended

(2) Clause 11 (1) (e) of the said Act is amended by striking out "Borough" in the first line and inserting in lieu thereof "City".

s. 17 (1), amended

4.—(1) Subsection 17 (1) of the said Act is amended by striking out "63" in the first line.

s. 17 (2), amended

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

s. 19 (1), amended

5. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Metropolitan Council may by by-law establish".

s. 27 (1), amended

6.—(1) Subsection 27 (1) of the said Act is amended by striking out "Borough" in the second line and inserting in lieu thereof "City".

Idem

(2) The said subsection 27 (1) is further amended by striking out "or Borough" in the third line.

s. 118 (1) (b, d, f), re-enacted

7.—(1) Clauses 118 (1) (b), (d) and (f) of the said Act are repealed and the following substituted therefor:

(b) The Board of Education for the City of Etobicoke;

. . . . . .

(d) The Board of Education for the City of Scarborough;

. . . . . .

(f) The Board of Education for the City of York.

s. 118 (2) (a), re-enacted

(2) Clause 118 (2) (a) of the said Act is repealed and the following substituted therefor:

(a) for the cities of Toronto and Etobicoke and for the Borough of East York shall be two in each ward of the City or Borough as the case may be.

s. 121 (2) (a, c), re-enacted

8.—(1) Clauses 121 (2) (a) and (c) of the said Act are repealed and the following substituted therefor:

(a) one member of and appointed by The Board of Education for the City of Etobicoke;

. . . . . .

(c) three members of and appointed by The Board of Education for the City of Scarborough.

s. 121 (3), amended

(2) Subsection 121 (3) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3, is further amended by striking out "Borough" in the second line and in the third line and inserting in lieu thereof in each instance "City".

s. 152 (5), amended

9. Subsection 152 (5) of the said Act is amended by striking out "biennial" in the second line and inserting in lieu thereof "regular".

s. 218 (2), re-enacted

10. Subsection 218 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 29, section 11, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Metropolitan Council considers necessary.

s. 245 (1), re-enacted

11.—(1) Subsection 245 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 29, section 13, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 104a, 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), paragraphs 3, 11, 12, 23, 24, 27, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

s. 245 (2), re-enacted

(2) Subsection 245 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

s. 261 (1), amended

12. Subsection 261 (1) of the said Act is amended by striking out "Township" in the third line, in the fourth line, in the eighth line and in the tenth line and inserting in lieu thereof in each instance "City".

s. 264, re-enacted

13. Section 264 of the said Act is repealed and the following substituted therefor:

Borough deemed to be city under R.S.O. 1980, c. 198, s. 109

264. For the purpose of section 109 of the *Highway Traffic Act*, the Borough of East York shall be deemed to be a city.

Commencement

14.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent.

Idem

(2) Section 10 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

15. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 138

An Act respecting the Sale of Lands for Arrears of Municipal Taxes

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 2nd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The purpose of the Bill is to establish one system for the sale of land with respect to which tax arrears are owed to a municipality. The Bill replaces the two different systems now in existence under the *Municipal Act* and *Municipal Affairs Act.*

Among the principal features of the Bill are the following:

1. The Act contains an extensive definition section. Particularly important are the definitions of "cancellation price", "real property taxes" and "tax arrears". (s. 1 (1))
2. The Act applies to sales of land for tax arrears owed to school boards in areas without municipal organization. (s. 1 (2))
3. The treasurer of a municipality to which any part of tax arrears are owed on the 1st day of January in the third year following the year in which the real property taxes become payable commences the procedure by registering a tax arrears certificate in the proper land registry office. (s. 3 (1))
4. A municipality may pass by-laws instructing the treasurer not to register a tax certificate against any class of land specified in the by-laws or land that is owned or occupied by any class of persons specified in the by-laws. (s. 3 (2))
5. Within sixty days of the registration of a tax arrears certificate, the treasurer is required to send notices to interested parties advising them that a tax arrears certificate has been registered. (s. 4)
6. Any person may prevent a sale by paying the cancellation price within one year from the day of the registration of a tax arrears certificate. (s. 5)
7. An owner may prevent a sale by either paying the tax arrears or entering into an agreement with the municipality for an extension of the time in which the owner has to pay the taxes. (ss. 5, 8)
8. The treasurer, 301 days after the registration of the tax arrears certificate, will be required to send a second notice to all interested parties warning them that the land will be sold unless the cancellation price is paid before the expiry of the one-year period following the registration of the tax arrears certificates. (s. 9 (1))
9. If the cancellation price has not been paid and no extension agreement has been entered into one year from the date of the registration of the tax arrears certificate, the treasurer must advertise the land for sale in *The Ontario Gazette* and the local press. (s. 9 (3))
10. A sale will be by public tender conducted in accordance with the regulations made under the Act and a tax deed must be registered in the name of the successful tenderer. (s. 9 (4))
11. If there is no successful tenderer or the successful tenderer and the alternate successful tenderers fail to pay the amount tendered, the land will vest in the municipality. (s. 9 (4))
12. The registration of the tax deed or notice of vesting vests the land in the successful tenderer or the municipality, as the case may be, free and clear of all interests except those of the Crown in right of Canada or in right of Ontario and easements and restrictive covenants that run with the land. (s. 9 (5))
13. The proceeds of the sale will be applied first to satisfy the cancellation price, secondly to interested parties other than the owner and thirdly to the owner. (s. 10 (1))
14. If a dispute arises over the amount of the cancellation price or the proceeds of the sale, an application may be made to the county court for a resolution of the matter. (ss. 6, 10 (3-5))
15. A tax purchaser's title will be protected from claims against the land that arose prior to the sale. (s. 13)

16. The rules to be followed in selling land for tax arrears will be prescribed by regulation. (s. 17)
17. Complementary amendments are made to other Acts to abolish existing tax sale procedures. (ss. 18-20)

Bill 138 **1983**

An Act respecting the Sale of Lands for Arrears of Municipal Taxes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(a) "cancellation price" means an amount equal to all the tax arrears owing in respect of land together with all current real property taxes, interest and penalties thereon and all reasonable costs incurred by the municipality in proceeding under this Act and, without restricting the generality of the foregoing, may include,

(i) legal fees and disbursements,

(ii) the costs of preparing an extension agreement entered into under section 8,

(iii) the costs of preparing a survey where such is required to register any document under this Act, and

(iv) a reasonable allowance for expenses that may be incurred after advertising under section 9;

(b) "county court" means the county or district court for the jurisdiction in which the land that is subject to proceedings under this Act is located;

(c) "improved land" means a parcel of land separately assessed that has a building thereon, and includes any land in actual use for agricultural purposes, although there is no building thereon;

(d) "municipality" means the corporation of a city, town, village, township or improvement district;

(e) "notice of vesting" means a notice of vesting prepared under subsection 9 (4) and includes the title conferred by the registration of the notice of vesting;

(f) "prescribed" means prescribed by the regulations made under this Act;

R.S.O. 1980, cc. 302, 129, 359, 250, 126, 500, 471

(g) "real property taxes" means the amount of taxes levied on real property under the *Municipal Act*, the *Education Act* and the *Ontario Unconditional Grants Act*, and any amounts owed under the *Local Improvement Act*, the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to the real property and includes any amounts deemed to be taxes on real property by or under any other general or special Act;

(h) "register" means register in the proper land registry office and "registered" and "registration" have a corresponding meaning;

(i) "tax arrears" means any real property taxes placed on or added to a collector's roll and which remain unpaid on the first day of January in the year following that in which they were placed on or added to the roll;

(j) "tax arrears certificate" means a tax arrears certificate prepared under subsection 3 (1);

(k) "tax deed" means a tax deed prepared under subsection 9 (4) and includes the title conferred by the registration of the tax deed;

(l) "treasurer" means the treasurer of the municipality to which the tax arrears are owed;

(m) "vacant land" means a parcel of land separately assessed that has no building thereon, but does not include any improved land.

Application to tax sales under R.S.O. 1980, c. 129

(2) Where, under the *Education Act*, an officer or collector has the powers and duties of a treasurer and the board has the powers and duties of a council, this Act and the regulations made under this Act apply to tax arrears and to every sale of land for tax arrears owed to the Board.

(3) In subsections 4 (1) and 9 (2), Register of title, abstract index

(a) "register of title" and "abstract index" include an instrument received for registration before the closing of the land registry office on the day the tax arrears certificate was registered notwithstanding that the instrument has not been abstracted or entered in the register or index at that time;

(b) "index of executions" and "index of writs received for execution" include a warrant or other process or a certificate of lien that is filed with the sheriff and recorded in the index of executions under the *Land Titles Act* or in the index of writs received for execution by the sheriff, as the case may be. R.S.O. 1980, c. 230

2. The Minister of Municipal Affairs and Housing is responsible for the administration of this Act. Administration

3.—(1) Where any part of tax arrears are owing with respect to any land in a municipality on the first day of January in the third year following that in which the real property taxes became payable, the treasurer shall prepare and register a tax arrears certificate in the prescribed form against the title to the land. Tax arrears certificate, registration

(2) Notwithstanding subsection (1), the council of the municipality may pass a by-law directing the treasurer not to register a tax arrears certificate against the title to any land that falls within such class or classes of property specified in the by-law or that is owned or occupied by such class or classes of persons specified in the by-law. Exception

(3) A tax arrears certificate shall indicate that the land described in the certificate will be advertised for sale by public tender if the cancellation price is not paid within one year following the date of the registration of the tax arrears certificate. Form

(4) This Act does not apply to land that under the *Business Corporations Act, 1982* or the *Corporations Act* escheated to or became forfeited to the Crown before the registration of a tax arrears certificate but where land escheats or becomes forfeited under either of those Acts to the Crown after the registration of the tax arrears certificate, the tax arrears certificate continues to have effect and the land may be sold under this Act for tax arrears. Escheated land 1982, c. 4; R.S.O. 1980, c. 95

(5) A tax arrears certificate of improved land shall not embrace more than one such property or any vacant land that is What lands certificate may embrace

a separate parcel, and a tax arrears certificate of vacant land shall not embrace lots according to more than one registered plan or any improved land.

Notice

4.—(1) Within sixty days of the registration of a tax arrears certificate, the treasurer shall send or cause to be sent a notice in the prescribed form of the registration of the certificate to the following persons:

1. The assessed owner of the land.

2. Assessed tenants of the land.

R.S.O. 1980, c. 230

3. Where the land is registered under the *Land Titles Act*, to every person appearing by the register of title and by the index of executions to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was registered.

R.S.O. 1980, c. 445

4. Where the *Registry Act* applies to the land, to every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the land is situate to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was registered.

Corporations

(2) Where a notice has been sent under subsection (1) to a corporation, the treasurer shall, within the time limit in subsection (1), send a copy of the notice to the Public Trustee.

Statutory declaration

(3) The treasurer, forthwith after complying with subsection (1), shall make and register a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent.

Cancellation

5.—(1) Any person may, before the expiry of the one-year period mentioned in subsection 9 (1) have the tax arrears certificate cancelled by paying to the municipality the cancellation price as of the date the payment is tendered.

Cancellation certificate

(2) Where payment has been made under subsection (1), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Lien

(3) If the cancellation price is paid by a person to whom notice has been given under subsection 4 (1) or an assignee of any such person, other than the owner of the land, the person has a lien on the land concerned for the amount paid.

(4) A lien under subsection (3) has priority over the interest of any other person who has an interest in the land. Priority of lien

(5) Where there is a lien under subsection (3), the tax arrears cancellation certificate shall state that the person named therein has a lien on the land. Contents of certificate

6.—(1) Where a person pays the cancellation price before the expiry of the one-year period mentioned in subsection 9 (1), the person within thirty days after paying the cancellation price, may require the treasurer to provide an itemized breakdown of the calculation of the cancellation price that has been paid and where the treasurer fails to provide the itemized breakdown of the calculation within thirty days of the request or where the person is of the opinion that the cancellation price so calculated has not been calculated properly or the costs included in the cancellation price by the municipality as costs incurred in proceeding under this Act are unreasonable, the person may apply to the county court for an accounting of the cancellation price. Accounting

(2) Upon an application for an accounting under this section, the court shall determine the matter and if the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes. Idem

7.—(1) A tax arrears cancellation certificate, when registered, is conclusive proof of the cancellation of the tax arrears certificate to which it relates but, except as provided in subsection (2), does not affect the municipality's claim for tax arrears owing on the date the cancellation certificate was registered. Effect of registration

(2) A tax arrears cancellation certificate registered under section 5 or 8 is conclusive proof of the payment of the cancellation price as of the date set out in the tax arrears cancellation certificate. Idem

8.—(1) A municipality may by by-law before the expiry of the one-year period mentioned in subsection 9 (1), authorize an extension agreement with the owner of the land extending the period of time in which the cancellation price is to be paid and any such extension agreement may be subject to such terms and conditions as are set out in the agreement but it shall not reduce the amount of the cancellation price. Extension agreements

Mandatory contents

(2) Every extension agreement entered into under this section shall specify when and under what circumstances it shall cease to be considered a subsisting extension agreement.

Calculation of time

(3) The period during which there is a subsisting extension agreement shall not be counted by the treasurer in calculating the periods mentioned in subsection 9 (1).

Inspection of extension agreement

R.S.O. 1980, c. 302

(4) The treasurer on the request of any person, shall permit the person to inspect a copy of an extension agreement entered into under this section and shall provide copies thereof at the same rate as is charged under section 78 of the *Municipal Act*.

Cancellation certificate

(5) When the terms of an extension agreement have been fulfilled, the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Notice of sale

9.—(1) If the cancellation price remains unpaid at the expiry of the period of 301 days from the day of the registration of the tax arrears certificate, the treasurer shall forthwith send or cause to be sent to the persons referred to in subsection (2), a notice in the prescribed form that the land will be advertised for sale by public tender unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.

Idem

(2) A notice under subsection (1) shall be sent to every person to whom notice was sent under section 4 and to every person who after the registration of the tax arrears certificate and before the closing of the land registry office on the day 301 days from the day of the registration of the tax arrears certificate has become one of the following:

1. The assessed owner of the land.

2. An assessed tenant of the land.

R.S.O. 1980, c. 230

3. Where the land is registered under the *Land Titles Act*, to every person appearing by the register of title and by the index of executions to have an interest in the land as of the time of closing of the land registry office.

R.S.O. 1980, c. 445

4. Where the *Registry Act* applies to the land, to every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the land is situate to have an interest in the land as of the time of closing of the land registry office.

Advertisement

(3) If, at the end of one year following the day of registration of the tax arrears certificate,

(a) the cancellation price remains unpaid; and

(b) no extension agreement has been entered into under subsection 7 (1),

the land shall be sold by public tender and the treasurer shall forthwith,

(c) make and register a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent under subsection (1); and

(d) advertise the land for sale once in *The Ontario Gazette* and once a week for four weeks in a newspaper having general circulation in the municipality and, where there is no such newspaper, the treasurer shall post notice in the municipal office and one other prominent place in the municipality and the advertisement shall be in the prescribed form.

Sale by tender

(4) The treasurer, in accordance with the prescribed rules, shall conduct a sale by tender and determine whether there is a successful tenderer and,

(a) where there is a successful tenderer, the treasurer shall prepare and register a tax deed in the prescribed form in the name of the successful tenderer or in such name as the successful tenderer may direct; and

(b) where there is no successful tenderer or the successful tenderer and every alternate successful tenderer, if any, fails to pay the full amount tendered, the treasurer shall prepare and register, in the name of the municipality, a notice of vesting in the prescribed form.

Effect of conveyance

(5) A tax deed or notice of vesting, when registered, vests the land in the person named therein or in the municipality, as the case may be, with an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estates and interests subject only to,

(a) easements and restrictive covenants that run with the land; and

(b) any estates and interests of the Crown in right of Canada or in right of Ontario.

No warranty

(6) A tax deed does not,

(a) impose an obligation on the municipality to provide vacant possession; or

(b) invalidate or in any way affect the collection of a rate that has been assessed, imposed or charged on the land under any Act by the municipality before the registration of the tax deed and that accrues or becomes due after the registration of the tax deed.

Municipal tender

(7) The municipality to which the tax arrears are owed may submit a tender in a sale by tender under this section if the municipality intends to use the land for a municipal purpose.

Application or proceeds

10.—(1) The proceeds of a sale under section 9 shall be,

(a) firstly, applied to pay the cancellation price in satisfaction of the tax arrears, current real property taxes, interest and penalties thereon and all other costs and allowances claimed under this Act as of the day next following the last day for submitting tenders;

(b) secondly, paid to all other persons, other than the owner, having an interest in the land according to their priority at law; and

(c) thirdly, paid to the person who immediately before the registration of the tax deed was the owner of the land or paid to the municipality where the registered owner has forfeited all entitlement in the proceeds under subsection (2).

Claims

(2) Any party claiming entitlement under clause (1) (b) or (c) must establish a claim to the satisfaction of the treasurer within ninety days of the public tender opening or forfeit to the municipality all entitlement in the proceeds of the sale.

Disputes

(3) Where, before the treasurer makes a payment under clause (1) (b) or (c), there is a question as to who is entitled to receive payment under subsection (1), the treasurer may pay the proceeds of sale, minus the cancellation price, into the county court together with a statement outlining the facts under which the payment into court is made.

Parties

(4) Where a payment is made into court under subsection (3), any party claiming an entitlement to receive payment

under subsection (1) may make application to the county court for payment out of the proceeds to which the party claims entitlement and on such application the judge shall determine all of the entitlements including any questions as to the calculation of the cancellation price and the reasonableness of costs included in the cancellation price by the municipality as costs incurred in proceeding under this Act.

Where cancellation price not calculated properly

(5) If the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes.

Mailing of notice

11.—(1) Any notice required to be sent to any person under this Act may be served in any manner permitted under the Rules of the Supreme Court or, in the alternative, may be sent by certified or registered mail,

(a) to the address of the person as shown on the assessment roll of the municipality in the case of the assessed owner or an assessed tenant;

(b) in the case of any person whose interest is registered against the title of the land, to the address of the person furnished under section 166 of the *Land Titles Act* or section 37 of the *Registry Act* or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest;

R.S.O. 1980, cc. 230, 445

(c) in the case of an execution creditor, to the address of the execution creditor or execution creditor's solicitor as shown in the records of the sheriff of the county or district in which the land is situate; and

(d) in the case of the Public Trustee, addressed to him or her at his or her office in Toronto.

Statutory declaration, effect

(2) A statutory declaration registered under subsection 4 (3) or clause 9 (3) (a) is,

(a) for the purposes of an action for the recovery of the land, conclusive proof that the notices required to be sent were sent to the persons named in the statutory declaration and received by them; and

(b) for any other action, is *prima facie* proof that the notices required to be sent were sent to the persons

named in the statutory declaration and received by them.

Where tax arrears certificate void

12.—(1) Subject to subsection 13 (4),

(a) a failure on the part of the treasurer to substantially comply with subsection 4 (1), (2), or 9 (1) of this Act or section 43 of the *Family Law Reform Act* voids the registration of the tax arrears certificate and all proceedings based on the registration are void; and

R.S.O. 1980, c. 152

(b) a tax arrears certificate registered in error is void and all proceedings based on the registration are void.

Duty of treasurer

(2) Where, before the registration of a tax deed or, where a notice of vesting has been registered, before the expiry of the one-year period referred to in subsection 13 (4), the treasurer becomes aware of a failure or error referred to in subsection (1), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Distress

13.—(1) No registered tax deed or notice of vesting is invalid by reason of the treasurer not having distrained, though there were on the land goods and chattels liable to distress before or at the time of the registration of the tax deed or notice of vesting.

Errors in cancellation price

(2) No registered tax deed or notice of vesting is invalid for any error or miscalculation in the cancellation price and this subsection applies notwithstanding that the cancellation price as advertised was more or less than the cancellation price would have been but for the error or miscalculation.

Effect of registration where conditions satisfied

(3) Every tax deed and notice of vesting is final and binding, as of the date of registration thereof, on the former owner of the land and on all persons claiming by, through or under the former owner if,

(a) any part of the taxes for which the land was sold under this Act had at the time of the registration of the tax arrears certificate been in arrears for the period referred to in subsection 3 (1);

(b) a tax arrears certificate was registered at least one year before the lands were advertised for sale;

(c) notices were sent and the statutory declarations were registered in substantial compliance with this Act and the regulations made under this Act;

(d) the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate;

(e) the land was advertised, in substantial compliance with this Act and the regulations made under this Act, for sale by tender; and

(f) in the case of a tax deed, the purchaser tendered an amount equal to or greater than the cancellation price,

and this subsection applies notwithstanding any neglect, omission or error of the municipality or of any employee, officer or agent of the municipality in respect of imposing or levying such taxes or in any proceedings subsequent thereto.

Tax deed, notice of vesting not subject to challenge after one year

(4) Every registered tax deed and notice of vesting becomes final and binding and not subject to challenge for any reason including, without limiting the generality of the foregoing,

(a) the invalidity of any assessment upon which the tax arrears were based; and

(b) the breach of any requirement imposed by statute or otherwise by law,

unless questioned before a court of competent jurisdiction within one year from the date of registration of the tax deed or notice of vesting.

Limitation on action for damages

(5) No action for damages shall be commenced against the municipality or the treasurer in respect of any failure to comply with this Act, any defects in any of the proceedings under this Act after two years from the date of registration of the tax deed or notice of vesting.

Mining rights R.S.O. 1980, c. 268

14.—(1) Where land, the mining rights in which are liable for a tax imposed under the *Mining Act*, is sold for taxes or is vested in a municipality under this Act or under a predecessor of this Act, on or after the 1st day of April, 1954, such sale or vesting creates a severance of the surface rights from the mining rights, and only the surface rights in the land pass to the tax sale purchaser or vest in the municipality, as the case may be, and the sale or registration does not in any way affect the mining rights.

Idem

(2) Notwithstanding subsection (1) or anything else in this or any other Act but subject to any forfeiture to the Crown legally

R.S.O. 1980, cc. 269, 302, 303

effected under the *Mining Tax Act* or its predecessor, where land the mining rights in which were liable for area tax under the *Mining Tax Act* or its predecessor, was sold for taxes under the *Municipal Act or* any predecessor thereof or was vested in a municipality upon registration of a tax arrears certificate under the *Municipal Affairs Act* or any predecessor thereof before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality, without severance, both the surface and mining rights.

Certain contracts continued

15. No valid contract entered into between a purchaser of lands under this Act and an original owner, in regard to any land sold or assumed to have been sold for taxes as to purchase, lease or otherwise, is annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise, remain in force as if this Act had not been passed.

Indemnification

16. A municipality shall indemnify and save harmless its treasurer in respect of all actions brought against the treasurer for any proceedings or acts of the treasurer taken or done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation made under this Act, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Regulations

17. The Lieutenant Governor in Council may make regulations,

(a) prescribing forms in English or in English and French and providing for their use; and

(b) prescribing rules for the sale of lands under this Act by public tender and, without restricting the generality of the foregoing, the rules,

(i) may require that tenderers submit deposits with their tenders in such amount and in such form as may be set out in the rules,

(ii) may set out the method of determining the successful tenderer, and providing for the selection of alternate successful tenderers where a successful tenderer fails to pay the full amount tendered,

(iii) may provide for the forfeiture of deposits made by persons named as successful tenderers, where such persons fail to pay the balance of the amount tendered within such time as may be set out in the rules and provide for the disposition of deposits so forfeited, and

(iv) shall provide that all tenders that are less than the cancellation price as of the day next following the last day for submitting tenders shall be rejected.

Repeals R.S.O. 1980, c. 303

18. **Clause 6 (b), sections 20, 40 to 47, 49 and 50, subsections 64 (2) and (3) and Forms 1 to 4 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, are repealed.**

Repeals R.S.O. 1980, c. 302

19.—(1) Sections 397, 400, 402 to 405, 413 to 418, 420 to 464, 466, 469, 471 and 472 and Form 9 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

s. 399, amended

(2) Section 399 of the said Act is amended by striking out "county or other" in the first line.

s. 401, amended

(3) Section 401 of the said Act is amended by striking out "county treasurer and the" in the first line.

s. 409, re-enacted

(4) Section 409 of the said Act is repealed and the following substituted therefor:

Treasurer to keep duplicate receipt book

409. The treasurer of a local municipality shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year.

s. 409, re-enacted

(5) Section 419 of the said Act is repealed and the following substituted therefor:

Where distress on premises, treasurer may distrain

419. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he may levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 387 applies thereto.

ss. 491-494, re-enacted

(6) Sections 491 to 494 of the said Act are repealed and the following substituted therefor:

Municipality responsible for such money

491. Every municipality is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the municipality in virtue of the treasurer's office shall be duly paid over and accounted for by the treasurer according to law.

Treasurer, etc., responsible to municipality

492. The treasurer and the treasurer's sureties are responsible and accountable for such money to the municipality and any bond or security given by them for the duly accounting for and paying over money belonging to the municipality applies to all money mentioned in section 484 and may be enforced against the treasurer or the treasurer's sureties in case of default.

Bonds to apply to school money

493. The bond of the treasurer and the treasurer's sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the municipality by stopping a like amount out of any public money that would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation.

City, etc., responsible for default of treasurer, etc.

494. Any person aggrieved by the default of the treasurer may recover from the municipality the amount due or payable to such person as money had and received to the person's use.

Form 8, amended

(7) Form 8 of the said Act is amended by striking out the following paragraph:

"I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the lands has been sold for taxes and no certificate of tax arrears has been registered against the lands within the last eighteen months, and that the return under section 397 of the *Municipal Act* has been made for the year 19..."

and inserting in lieu thereof:

"I hereby certify that the above statement shows all arrears of taxes against the above lands and proceedings have (not) been commenced under the *Municipal Tax Sales Act, 1983*."

R.S.O. 1980, c. 129, s. 53 (1), amended

20.—(1) Subsection 53 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, section 14, is further amended by inserting after "duties" in the eleventh line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth and thirteenth lines and inserting in lieu thereof "67 (5), (6) and (12)".

(2) Subsection 67 (1) of the said Act is amended by inserting after "duties" in the seventh line "including the powers and duties with respect to the sale of land for tax arrears". s. 67 (1), amended

(3) Subsections 67 (6) to (11) of the said Act are repealed and the following substituted therefor: s. 67 (6), re-enacted; s. 67 (7-11), repealed

(6) The board of a district school area shall name one of its officers as the officer of the board responsible for the sale of land for tax arrears and that officer has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1983* and the board has the same powers and duties as a council under that Act. Tax sales officer; 1983, c...

(4) Subsection 69 (3) of the said Act is amended by inserting after "duties" in the sixth line "including the powers and duties with respect to the sale of land for tax arrears". s. 69 (3), amended

(5) Subsection 69 (6) of the said Act is amended by striking out "67 (5) to (12)" in the first line and inserting in lieu thereof "67 (5), (6) and (12)". s. 69 (6), amended

(6) Subsection 99 (2) of the said Act is repealed and the following substituted therefor: s. 99 (2), re-enacted

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1983* and the board by which the collector is employed has the same powers and duties as a council under that Act. Powers and duties of collectors

(7) Subsection 112 (2) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 36, is further amended by inserting after "duties" in the tenth line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth line and inserting in lieu thereof "67 (5), (6) and (12)". s. 112 (2), amended

21.—(1) Notwithstanding section 18 or subsection 19 (1), but subject to subsection (2), where before the day this Act comes into force, a tax arrears certificate is registered under the *Municipal Affairs Act* or a certificate is given under section 433 of the *Municipal Act* in respect of any land, the tax arrears proceedings of the applicable Act shall continue to apply to such land. Transition; R.S.O. 1980, cc. 303, 302

Vesting

(2) Notwithstanding subsection (1), where land to which subsection (1) applies has not been the subject of a tax deed under the *Municipal Act* and has not been sold or declared necessary for municipal purposes under the *Municipal Affairs Act* by the 1st day of January, 1987, the land shall on that day vest in the municipality.

R.S.O. 1980, cc. 302, 303

Notice of vesting

(3) Where under subsection (2), land vests in a municipality, the treasurer shall forthwith register a notice of forfeiture in the prescribed form and every such notice vests the land in the municipality with an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estates and interest subject only to,

(a) easements and restrictive covenants that run with the land; and

(b) any estates and interests of the Crown in right of Canada or in right of Ontario,

and every such notice of forfeiture shall be deemed to be a notice of vesting for the purposes of subsection 13 (4).

Compromise agreement

(4) Subsections (2) and (3) do not apply to land that, on the 1st day of January, 1987, is the subject of a subsisting compromise agreement entered into under the *Municipal Affairs Act*.

Application to certain school boards

(5) This section applies with necessary modifications to proceedings taken under the *Education Act* by a board authorized under that Act to collect school rates or subscriptions.

R.S.O. 1980, c. 129

Commencement

22. This Act comes into force on the 1st day of January, 1985.

Short title

23. The short title of this Act is the *Municipal Tax Sales Act, 1983*.

Bill 139

An Act to amend the Public Commercial Vehicles Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading December 2nd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to provide the mechanism to allow holders of operating licences to have their certificates rewritten. The rewritten certificates would have no immediate effect but would be the basis for the issuance of new licences when further legislative enactment permits.

Bill 139 1983

An Act to amend the Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 10b, enacted

10b.—(1) Any holder of an operating licence that was issued pursuant to an application sent to the Board before the 21st day of June, 1983, may apply for a rewritten certificate by sending an application therefor to the Minister. Application for rewritten certificate

(2) The Minister shall refer all applications for rewritten certificates to the Board. Referral to Board

(3) The Board, on receipt of an application for a rewritten certificate, shall hold a hearing in respect of the application. Board to hold hearing

(4) Every operating licence referred to in subsection (1) constitutes indisputable evidence that the holder of the licence has satisfied the requirement of public necessity and convenience. Licence is evidence of necessity

(5) Only the applicant and the Minister are parties to a hearing under subsection (3). Parties

(6) After a hearing under subsection (3), the Board may propose to issue a rewritten certificate, Proposal to issue rewritten certificate

(a) revising a previous certificate; or

(b) consolidating several certificates,

issued in respect of the applicant, incorporating such amendments as the Board considers appropriate.

Limitations re rewritten certificates

(7) No rewritten certificate shall set out operating rights that,

(a) in any way are less than the applicant has; or

(b) are significantly greater than the applicant has except to the extent necessary to conform with the regulations in force at the time the certificate is rewritten.

R.S.O. 1980, c. 338, s. 22, does not apply

(8) Section 22 of the *Ontario Highway Transport Board Act* does not apply to a decision under subsection (3) or (16).

Notice of proposal

(9) If the Board proposes to issue a rewritten certificate, it shall cause notice of its proposal to be published in *The Ontario Gazette*.

Objection

(10) Any person other than the applicant objecting to the issuing of a rewritten certificate may file with the Board an objection within thirty days after publication of notice thereof in *The Ontario Gazette*.

Service

(11) Every objector shall serve a copy of the objection on the appropriate applicant on or before the day the objection is filed.

Information contained in objections

(12) Every objection filed under subsection (10),

(a) must be signed by the objector or by his solicitor on his behalf;

(b) must contain a clear and concise statement of the grounds on which the proposed rewritten certificate is opposed;

(c) must contain the name and address of the objector and of his solicitor, if any; and

(d) must contain proof of service as required by subsection (10).

Where no objection

(13) If an objection has not been filed and served in accordance with subsections (10) and (11), the Board shall issue the rewritten certificate that it proposed.

Hearing set

(14) Where an objection is filed, the Board shall cause a notice of hearing to be published in *The Ontario Gazette* identifying the proposed rewritten certificate, stating the nature of the objection and fixing the time, date and place of a hearing of the matter.

Grounds for objection

(15) The only grounds for an objection under this section are that a proposed rewritten certificate does not comply with subsection (7).

Result of hearing

(16) After a hearing held as a result of an objection, the Board shall issue the rewritten certificate that it proposed or issue a rewritten certificate in an amended form.

Certificates held by Minister

(17) Every rewritten certificate issued under subsection (13) or (16) shall be sent to the Minister to be held by him.

Effect of rewritten certificate

(18) Except under and in accordance with further enactment of the Legislature,

(a) a rewritten certificate has no effect; and

(b) a licence shall not be issued in accordance with a rewritten certificate.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 139

(Chapter 79
Statutes of Ontario, 1983)

An Act to amend the Public Commercial Vehicles Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading	December 2nd, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 139 1983

An Act to amend the Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 10b, enacted

10b.—(1) Any holder of an operating licence that was issued pursuant to an application sent to the Board before the 21st day of June, 1983, may apply for a rewritten certificate by sending an application therefor to the Minister. Application for rewritten certificate

(2) The Minister shall refer all applications for rewritten certificates to the Board. Referral to Board

(3) The Board, on receipt of an application for a rewritten certificate, shall hold a hearing in respect of the application. Board to hold hearing

(4) Every operating licence referred to in subsection (1) constitutes indisputable evidence that the holder of the licence has satisfied the requirement of public necessity and convenience. Licence is evidence of necessity

(5) Only the applicant and the Minister are parties to a hearing under subsection (3). Parties

(6) After a hearing under subsection (3), the Board may propose to issue a rewritten certificate, Proposal to issue rewritten certificate

(a) revising a previous certificate; or

(b) consolidating several certificates,

issued in respect of the applicant, incorporating such amendments as the Board considers appropriate.

Limitations re rewritten certificates

(7) No rewritten certificate shall set out operating rights that,

(a) in any way are less than the applicant has; or

(b) are significantly greater than the applicant has except to the extent necessary to conform with the regulations in force at the time the certificate is rewritten.

R.S.O. 1980, c. 338, s. 22, does not apply

(8) Section 22 of the *Ontario Highway Transport Board Act* does not apply to a decision under subsection (3) or (16).

Notice of proposal

(9) If the Board proposes to issue a rewritten certificate, it shall cause notice of its proposal to be published in *The Ontario Gazette*.

Objection

(10) Any person other than the applicant objecting to the issuing of a rewritten certificate may file with the Board an objection within thirty days after publication of notice thereof in *The Ontario Gazette*.

Service

(11) Every objector shall serve a copy of the objection on the appropriate applicant on or before the day the objection is filed.

Information contained in objections

(12) Every objection filed under subsection (10),

(a) must be signed by the objector or by his solicitor on his behalf;

(b) must contain a clear and concise statement of the grounds on which the proposed rewritten certificate is opposed;

(c) must contain the name and address of the objector and of his solicitor, if any; and

(d) must contain proof of service as required by subsection (10).

Where no objection

(13) If an objection has not been filed and served in accordance with subsections (10) and (11), the Board shall issue the rewritten certificate that it proposed.

Hearing set

(14) Where an objection is filed, the Board shall cause a notice of hearing to be published in *The Ontario Gazette* identifying the proposed rewritten certificate, stating the nature of the objection and fixing the time, date and place of a hearing of the matter.

(15) The only grounds for an objection under this section are that a proposed rewritten certificate does not comply with subsection (7). Grounds for objection

(16) After a hearing held as a result of an objection, the Board shall issue the rewritten certificate that it proposed or issue a rewritten certificate in an amended form. Result of hearing

(17) Every rewritten certificate issued under subsection (13) or (16) shall be sent to the Minister to be held by him. Certificates held by Minister

(18) Except under and in accordance with further enactment of the Legislature, Effect of rewritten certificate

(a) a rewritten certificate has no effect; and.

(b) a licence shall not be issued in accordance with a rewritten certificate.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

3. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 140

An Act to amend certain Statutes relating to the Commission of Offences by Young Persons

The Hon. R. McMurtry
Attorney General

1st Reading December 2nd, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

At present a person under the age of sixteen who is alleged to have violated a provincial statute or municipal by-law is prosecuted under the *Juvenile Delinquents Act* (Canada). However, the new *Young Offenders Act* (Canada) will apply only to young persons alleged to have violated the *Criminal Code* and other federal statutes. It is proposed that the *Provincial Offences Act*, with certain modifications contained in a new Part V-A, apply to young persons alleged to have committed provincial offences. However, young persons will be tried by judges of the provincial court (family division) and of the Unified Family Court.

SECTION 1. *Provincial Offences Act* *Section 91a.* Self-explanatory.

Section 91b. The *Provincial Offences Act* does not apply to children under the age of twelve who commit offences.

Section 91c. The summary offence notice or "ticket" procedure under Part I does not apply to young persons.

Section 91d. A young person's parent or another responsible adult is to be notified of the charge against the young person.

Section 91e. The sentencing options available in a young person's case, in proceedings commenced by certificate, are:

1. A fine not exceeding $300.
2. A probation order.
3. An absolute discharge.

Section 91f. A young person must be present at his trial, unless the court permits otherwise or excludes him from the courtroom, and may not be convicted in his absence. If he fails to appear (or, where he is not excused or excluded, to attend personally) a warrant for his arrest may be issued, but he is not subject to a penalty for failure to appear as an adult would be.

Section 91g. Information which might identify a young person in connection with an offence or alleged offence may not be published. The penalty is the same as the penalty prescribed for similar contraventions of the *Child Welfare Act*.

Section 91h. The pre-sentence report is available in a young person's case whether the proceeding was commenced by information or by certificate of offence. It is mandatory where imprisonment for breach of probation is being considered.

Sections 91i and 91k. A young person may not be imprisoned, except for breach of probation, and then only in a place of open custody designated under the *Young Offenders Act* (Canada).

The sentencing options available in a young person's case, in proceedings commenced by information, include:

1. A fine not exceeding $1,000.
2. A probation order.
3. An absolute discharge.

Section 91j. A young person may not be imprisoned for failure to pay a fine, but may instead be subjected to a probation order.

Section 91l. A parent's testimony and other evidence the court considers credible or trustworthy are admissible evidence of a young person's age.

Section 91m. A young person's appeal is made to the county or district court, whether the proceeding was commenced by information or by certificate.

Section 91n. Young persons may be arrested without warrant only where this is necessary to establish identity or prevent the continuation or repetition of an offence that seriously endangers the young person or the person or property of another.

Section 91o. A young person who has been arrested shall be released unless his continued detention is necessary for the same reasons that would justify an arrest without warrant. If he is held until he can be brought before a justice for a bail hearing, a parent is to be notified.

A young person who is detained in custody shall wherever possible be detained in a place of temporary detention designated under the *Young Offenders Act* (Canada). He may be detained in a place where adults are also detained only if a justice authorizes this.

Section 91p. A young person's trial and sentencing are to be conducted by a judge.

Section 91q. Part V-A will apply to offences committed after it comes into force, and also to earlier offences that could have been, but were not, made the subject of proceedings under the *Juvenile Delinquents Act* (Canada). The new *Young Offenders Act* (Canada) provides that this category of offences shall be dealt with under provincial law.

SECTIONS 2 and 3 . *Provincial Courts Act* and *Unified Family Court Act*

The Provincial Court (Family Division) and the Unified Family Court are given jurisdiction over young persons charged with provincial offences.

Bill 140 1983

An Act to amend certain Statutes relating to the Commission of Offences by Young Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PROVINCIAL OFFENCES ACT

1. The *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part: Part V-A, (ss. 91a-91q), enacted

PART V-A

YOUNG PERSONS

91a. In this Part, Interpretation

(a) "parent", when used with reference to a young person, includes an adult with whom the young person ordinarily resides;

(b) "young person" means a person who is or, in the absence of evidence to the contrary, appears to be,

(i) twelve years of age or more, but

(ii) under sixteen years of age,

and includes a person sixteen years of age or more charged with having committed an offence while he was twelve years of age or more but under sixteen years of age.

91b. No person shall be convicted of an offence committed while he was under twelve years of age. Minimum age

Offence notice not to be used

91c. A proceeding commenced against a young person by certificate of offence shall not be initiated by an offence notice under clause 3 (2) (a).

Notice to parent

91d.—(1) Where a summons is served upon a young person or a young person is released on a recognizance under this Act, the provincial offences officer, in the case of a summons, or the officer in charge, in the case of a recognizance, shall as soon as practicable give notice to a parent of the young person by delivering a copy of the summons or recognizance to the parent.

Where no notice given

(2) Where notice has not been given under subsection (1) and no person to whom notice could have been given appears with the young person, the court may,

(a) adjourn the hearing to another time to permit notice to be given; or

(b) dispense with notice.

Saving

(3) Failure to give notice to a parent under subsection (1) does not in itself invalidate the proceedings against the young person.

Sentence where proceedings commenced by certificate

91e.—(1) Notwithstanding subsection 12 (1), where a young person is found guilty of an offence in proceedings commenced by certificate, the court may,

(a) convict the young person and,

(i) order the young person to pay a fine not exceeding the set fine that would be payable for the offence by an adult, the maximum fine prescribed for the offence, or $300, whichever is the least, or

(ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or

(b) discharge the young person absolutely.

Term of probation order

(2) Section 72 applies with necessary modifications to a probation order made under subclause (1) (a) (ii), in the same manner as if the proceedings were commenced by information, except that the probation order shall not remain in force for more than ninety days from the date when it takes effect.

(3) Subsection 12 (2) applies with necessary modifications where a young person is convicted of an offence in proceedings initiated by summons, in the same manner as if the proceedings were initiated by offence notice. s. 12 (2) applies where proceedings initiated by summons

91f.—(1) Subject to subsection 53 (1) and subsection (2), a young person shall be present in court during the whole of his trial. Young person to be present at trial

(2) The court may permit a young person to be absent during the whole or any part of his trial, on such conditions as the court considers proper. Court may permit absence

(3) Sections 43 and 55 do not apply to a young person who is a defendant. Application of ss. 43, 55

(4) Where a young person who is a defendant does not appear at the time and place appointed for a hearing and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that a summons was served, an undertaking to appear was given or a recognizance to appear was entered into, as the case may be, or where the young person does not appear upon the resumption of a hearing that has been adjourned, the court may adjourn the hearing and issue a summons to appear or issue a warrant in the prescribed form for the arrest of the young person. Failure of young person to appear

(5) Where a young person does not attend personally in response to a summons issued under section 52 and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that the summons was served, the court may adjourn the hearing and issue a further summons or issue a warrant in the prescribed form for the arrest of the young person. Compelling young person's attendance

91g.—(1) No person shall publish by any means a report, Identity of young person not to be published

(a) of an offence committed or alleged to have been committed by a young person; or

(b) of a hearing, adjudication, sentence or appeal concerning a young person who committed or is alleged to have committed an offence,

in which the name of or any information serving to identify the young person is disclosed.

(2) Every person who contravenes subsection (1) and every director, officer or employee of a corporation who authorizes, permits or acquiesces in a contravention of subsection (1) by Offence

the corporation is guilty of an offence and is liable on conviction to a fine of not more than $10,000.

Pre-sentence report

91h.—(1) Section 57 applies with necessary modifications where a young person is convicted of an offence in a proceeding commenced by certificate of offence, in the same manner as if the proceeding were commenced by information.

Pre-sentence report mandatory where imprisonment considered

(2) Where a young person who is bound by a probation order is convicted of an offence under section 75 and the court is considering imposing a sentence of imprisonment, the court shall direct a probation officer to prepare and file with the court a report in writing relating to the defendant for the purpose of assisting the court in imposing sentence, and the clerk of the court shall cause a copy of the report to be provided to the defendant or his counsel or agent and to the prosecutor.

Penalties limited

91i.—(1) Notwithstanding the provisions of this or any other Act, no young person shall be sentenced,

(a) to be imprisoned, except under clause 75 (d); or

(b) to pay a fine exceeding $1,000.

Sentence where proceedings commenced by information

(2) Where a young person is found guilty of an offence in proceedings commenced by information, the court may,

(a) convict the young person and,

(i) order the young person to pay a fine not exceeding the maximum prescribed for the offence or $1,000, whichever is less, or

(ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or

(b) discharge the young person absolutely.

Term of probation order

(3) A probation order made under subclause (2) (a) (ii) shall not remain in force for more than one year from the date when it takes effect.

No imprisonment for non-payment of fine

91j.—(1) No warrant of committal shall be issued against a young person under section 70.

Probation order in lieu of imprisonment

(2) Where it would be appropriate, but for subsection (1), to issue a warrant against a young person under subsection 70 (3) or (4), a judge may direct that the young person comply with

the conditions prescribed in a probation order, where the young person has been given fifteen days notice of the intent to make a probation order and has had an opportunity to be heard.

Term of probation order

(3) A probation order made under subsection (2) shall not remain in force for more than ninety days from the date when it takes effect.

Open custody

91k. Where a young person is sentenced to a term of imprisonment for breach of probation under clause 75 (d), the term of imprisonment shall be served in a place of open custody designated under section 24 of the *Young Offenders Act* (Canada).

29-30-31 Eliz. II, c. 110

Evidence of young person's age

91l. In a proceeding under this Act, a parent's testimony as to a young person's age and any other evidence of a young person's age that the court considers credible or trustworthy in the circumstances are admissible.

Appeal

91m. Where the defendant is a young person, an appeal under subsection 118 (1) shall be to the county or district court of the county or district in which the adjudication was made, but the procedures and the powers of the court and any appeal from the judgment of the court shall be the same as if the appeal were to the provincial court (criminal division).

Arrest without warrant limited

91n. No person shall exercise an authority under this or any other Act to arrest a young person without warrant unless the person has reasonable and probable grounds to believe that it is necessary in the public interest to do so in order to,

(a) establish the young person's identity; or

(b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or to the person or property of another.

s. 133 does not apply

91o.—(1) Section 133 does not apply to a young person who has been arrested.

Release after arrest by officer

(2) Where a police officer acting under a warrant or other power of arrest arrests a young person, the police officer shall, as soon as is practicable, release the young person from custody unconditionally or after serving him with a summons unless he has reasonable and probable grounds to believe that it is necessary in the public interest for the young person to be detained in order to,

(a) establish the young person's identity; or

(b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or the person or property of another.

Release by officer in charge

(3) Where a young person is not released from custody under subsection (2), the police officer shall deliver him to the officer in charge who shall, where in his opinion the conditions set out in clause (2) (a) or (b) do not or no longer exist, release the young person,

(a) unconditionally;

(b) upon serving him with a summons; or

(c) upon his entering into a recognizance in the prescribed form without sureties conditioned for his appearance in court.

Notice to parent

(4) Where the officer in charge does not release the young person under subsection (3), the officer in charge shall as soon as possible notify a parent of the young person by advising the parent, orally or in writing, of the young person's arrest, the reason for the arrest and the place of detention.

ss. 134, 135 apply

(5) Sections 134 and 135 apply with necessary modifications to the release of a young person from custody under this section.

Place of custody

(6) No young person who is detained under section 134 shall be detained in any part of a place in which an adult who has been charged with or convicted of an offence is detained unless a justice so authorizes, on being satisfied that,

(a) the young person cannot, having regard to the young person's own safety or the safety of others, be detained in a place of temporary detention for young persons; or

(b) no place of temporary detention for young persons is available within a reasonable distance.

Idem

29-30-31 Eliz. II, c. 110

(7) Wherever practicable, a young person who is detained in custody shall be detained in a place of temporary detention designated under subsection 7 (1) of the *Young Offenders Act* (Canada).

Functions of justice of peace limited

91p. The functions of a justice with respect to a defendant who is a young person shall be performed only by a judge, except under Parts III and VII.

91q. This Part applies to proceedings commenced after this Part comes into force. Application

PROVINCIAL COURTS ACT

2.—(1) Section 10 of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 10, amended

(2a) The Chief Judge of the Provincial Courts (Family Division) is the chief judge of the provincial courts (family division) sitting as provincial offences courts. Where family court sits as provincial offences court

(2b) Subsection (2) and subsection 19 (1) do not apply to the Unified Family Court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

(2) Section 18 of the said Act is amended by adding thereto the following subsection: s. 18, amended

(3) Notwithstanding subsection (2), a proceeding in a provincial offences court against a young person shall be conducted in the provincial court (family division) in the same county or district, or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as a provincial offences court. Exception: young persons

(3) Clause 23 (2) (b) of the said Act is repealed and the following substituted therefor: s. 23 (2) (b), re-enacted

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*. R.S.O. 1980, c. 400

(4) Section 33 of the said Act is amended by adding thereto the following subsections: s. 33, amended

(2a) The clerk of a provincial court (family division) is the clerk of that court sitting as a provincial offences court. Where family court sits as provincial offences court

(2b) The clerk of the Unified Family Court is the clerk of that court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

UNIFIED FAMILY COURT ACT

s. 16 (b), re-enacted

3. Clause 16 (b) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*.

R.S.O. 1980, c. 400

Commencement

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Provincial Offences Statute Law Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 140

(Chapter 80
Statutes of Ontario, 1983)

An Act to amend certain Statutes relating to the Commission of Offences by Young Persons

The Hon. R. McMurtry
Attorney General

1st Reading	December 2nd, 1983
2nd Reading	December 15th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 140 1983

An Act to amend certain Statutes relating to the Commission of Offences by Young Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PROVINCIAL OFFENCES ACT

1. The *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part: Part V-A, (ss. 91a-91q), enacted

PART V-A

YOUNG PERSONS

91a. In this Part, Interpretation

(a) "parent", when used with reference to a young person, includes an adult with whom the young person ordinarily resides;

(b) "young person" means a person who is or, in the absence of evidence to the contrary, appears to be,

(i) twelve years of age or more, but

(ii) under sixteen years of age,

and includes a person sixteen years of age or more charged with having committed an offence while he was twelve years of age or more but under sixteen years of age.

91b. No person shall be convicted of an offence committed while he was under twelve years of age. Minimum age

Offence notice not to be used

91c. A proceeding commenced against a young person by certificate of offence shall not be initiated by an offence notice under clause 3 (2) (a).

Notice to parent

91d.—(1) Where a summons is served upon a young person or a young person is released on a recognizance under this Act, the provincial offences officer, in the case of a summons, or the officer in charge, in the case of a recognizance, shall as soon as practicable give notice to a parent of the young person by delivering a copy of the summons or recognizance to the parent.

Where no notice given

(2) Where notice has not been given under subsection (1) and no person to whom notice could have been given appears with the young person, the court may,

(a) adjourn the hearing to another time to permit notice to be given; or

(b) dispense with notice.

Saving

(3) Failure to give notice to a parent under subsection (1) does not in itself invalidate the proceedings against the young person.

Sentence where proceedings commenced by certificate

91e.—(1) Notwithstanding subsection 12 (1), where a young person is found guilty of an offence in proceedings commenced by certificate, the court may,

(a) convict the young person and,

(i) order the young person to pay a fine not exceeding the set fine that would be payable for the offence by an adult, the maximum fine prescribed for the offence, or $300, whichever is the least, or

(ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or

(b) discharge the young person absolutely.

Term of probation order

(2) Section 72 applies with necessary modifications to a probation order made under subclause (1) (a) (ii), in the same manner as if the proceedings were commenced by information, except that the probation order shall not remain in force for more than ninety days from the date when it takes effect.

(3) Subsection 12 (2) applies with necessary modifications where a young person is convicted of an offence in proceedings initiated by summons, in the same manner as if the proceedings were initiated by offence notice. s. 12 (2) applies where proceedings initiated by summons

91f.—(1) Subject to subsection 53 (1) and subsection (2), a young person shall be present in court during the whole of his trial. Young person to be present at trial

(2) The court may permit a young person to be absent during the whole or any part of his trial, on such conditions as the court considers proper. Court may permit absence

(3) Sections 43 and 55 do not apply to a young person who is a defendant. Application of ss. 43, 55

(4) Where a young person who is a defendant does not appear at the time and place appointed for a hearing and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that a summons was served, an undertaking to appear was given or a recognizance to appear was entered into, as the case may be, or where the young person does not appear upon the resumption of a hearing that has been adjourned, the court may adjourn the hearing and issue a summons to appear or issue a warrant in the prescribed form for the arrest of the young person. Failure of young person to appear

(5) Where a young person does not attend personally in response to a summons issued under section 52 and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that the summons was served, the court may adjourn the hearing and issue a further summons or issue a warrant in the prescribed form for the arrest of the young person. Compelling young person's attendance

91g.—(1) No person shall publish by any means a report, Identity of young person not to be published

(a) of an offence committed or alleged to have been committed by a young person; or

(b) of a hearing, adjudication, sentence or appeal concerning a young person who committed or is alleged to have committed an offence,

in which the name of or any information serving to identify the young person is disclosed.

(2) Every person who contravenes subsection (1) and every director, officer or employee of a corporation who authorizes, permits or acquiesces in a contravention of subsection (1) by Offence

the corporation is guilty of an offence and is liable on conviction to a fine of not more than $10,000.

Pre-sentence report

91h.—(1) Section 57 applies with necessary modifications where a young person is convicted of an offence in a proceeding commenced by certificate of offence, in the same manner as if the proceeding were commenced by information.

Pre-sentence report mandatory where imprisonment considered

(2) Where a young person who is bound by a probation order is convicted of an offence under section 75 and the court is considering imposing a sentence of imprisonment, the court shall direct a probation officer to prepare and file with the court a report in writing relating to the defendant for the purpose of assisting the court in imposing sentence, and the clerk of the court shall cause a copy of the report to be provided to the defendant or his counsel or agent and to the prosecutor.

Penalties limited

91i.—(1) Notwithstanding the provisions of this or any other Act, no young person shall be sentenced,

(a) to be imprisoned, except under clause 75 (d); or

(b) to pay a fine exceeding $1,000.

Sentence where proceedings commenced by information

(2) Where a young person is found guilty of an offence in proceedings commenced by information, the court may,

(a) convict the young person and,

(i) order the young person to pay a fine not exceeding the maximum prescribed for the offence or $1,000, whichever is less, or

(ii) suspend the passing of sentence and direct that the young person comply with the conditions prescribed in a probation order; or

(b) discharge the young person absolutely.

Term of probation order

(3) A probation order made under subclause (2) (a) (ii) shall not remain in force for more than one year from the date when it takes effect.

No imprisonment for non-payment of fine

91j.—(1) No warrant of committal shall be issued against a young person under section 70.

Probation order in lieu of imprisonment

(2) Where it would be appropriate, but for subsection (1), to issue a warrant against a young person under subsection 70 (3) or (4), a judge may direct that the young person comply with

the conditions prescribed in a probation order, where the young person has been given fifteen days notice of the intent to make a probation order and has had an opportunity to be heard.

Term of probation order

(3) A probation order made under subsection (2) shall not remain in force for more than ninety days from the date when it takes effect.

Open custody

91k. Where a young person is sentenced to a term of imprisonment for breach of probation under clause 75 (d), the term of imprisonment shall be served in a place of open custody designated under section 24 of the *Young Offenders Act* (Canada).

29-30-31, Eliz. II, c. 110

Evidence of young person's age

91l. In a proceeding under this Act, a parent's testimony as to a young person's age and any other evidence of a young person's age that the court considers credible or trustworthy in the circumstances are admissible.

Appeal

91m. Where the defendant is a young person, an appeal under subsection 118 (1) shall be to the county or district court of the county or district in which the adjudication was made, but the procedures and the powers of the court and any appeal from the judgment of the court shall be the same as if the appeal were to the provincial court (criminal division).

Arrest without warrant limited

91n. No person shall exercise an authority under this or any other Act to arrest a young person without warrant unless the person has reasonable and probable grounds to believe that it is necessary in the public interest to do so in order to,

(a) establish the young person's identity; or

(b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or to the person or property of another.

s. 133 does not apply

91o.—(1) Section 133 does not apply to a young person who has been arrested.

Release after arrest by officer

(2) Where a police officer acting under a warrant or other power of arrest arrests a young person, the police officer shall, as soon as is practicable, release the young person from custody unconditionally or after serving him with a summons unless he has reasonable and probable grounds to believe that it is necessary in the public interest for the young person to be detained in order to,

(a) establish the young person's identity; or

(b) prevent the continuation or repetition of an offence that constitutes a serious danger to the young person or the person or property of another.

Release by officer in charge

(3) Where a young person is not released from custody under subsection (2), the police officer shall deliver him to the officer in charge who shall, where in his opinion the conditions set out in clause (2) (a) or (b) do not or no longer exist, release the young person,

(a) unconditionally;

(b) upon serving him with a summons; or

(c) upon his entering into a recognizance in the prescribed form without sureties conditioned for his appearance in court.

Notice to parent

(4) Where the officer in charge does not release the young person under subsection (3), the officer in charge shall as soon as possible notify a parent of the young person by advising the parent, orally or in writing, of the young person's arrest, the reason for the arrest and the place of detention.

ss. 134, 135 apply

(5) Sections 134 and 135 apply with necessary modifications to the release of a young person from custody under this section.

Place of custody

(6) No young person who is detained under section 134 shall be detained in any part of a place in which an adult who has been charged with or convicted of an offence is detained unless a justice so authorizes, on being satisfied that,

(a) the young person cannot, having regard to the young person's own safety or the safety of others, be detained in a place of temporary detention for young persons; or

(b) no place of temporary detention for young persons is available within a reasonable distance.

Idem

(7) Wherever practicable, a young person who is detained in custody shall be detained in a place of temporary detention designated under subsection 7 (1) of the *Young Offenders Act* (Canada).

29-30-31, Eliz. II, c. 110

Functions of justice of peace limited

91p. The functions of a justice with respect to a defendant who is a young person shall be performed only by a judge, except under Parts III and VII.

91q. This Part applies to proceedings commenced after this Part comes into force. Application

PROVINCIAL COURTS ACT

2.—(1) Section 10 of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 10, amended

(2a) The Chief Judge of the Provincial Courts (Family Division) is the chief judge of the provincial courts (family division) sitting as provincial offences courts. Where family court sits as provincial offences court

(2b) Subsection (2) and subsection 19 (1) do not apply to the Unified Family Court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

(2) Section 18 of the said Act is amended by adding thereto the following subsection: s. 18, amended

(3) Notwithstanding subsection (2), a proceeding in a provincial offences court against a young person shall be conducted in the provincial court (family division) in the same county or district, or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as a provincial offences court. Exception: young persons

(3) Clause 23 (2) (b) of the said Act is repealed and the following substituted therefor: s. 23 (2) (b), re-enacted

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*. R.S.O. 1980, c. 400

(4) Section 33 of the said Act is amended by adding thereto the following subsections: s. 33, amended

(2a) The clerk of a provincial court (family division) is the clerk of that court sitting as a provincial offences court. Where family court sits as provincial offences court

(2b) The clerk of the Unified Family Court is the clerk of that court sitting as a provincial offences court. Where Unified Family Court sits as provincial offences court

UNIFIED FAMILY COURT ACT

s. 16 (b), re-enacted

3. Clause 16 (b) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) shall be deemed to be and shall sit as a provincial offences court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*.

R.S.O. 1980, c. 400

Commencement

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Provincial Offences Statute Law Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 141

An Act to amend the Employment Standards Act

The Hon. R. H. Ramsay
Minister of Labour

1st Reading December 5th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. Under the re-enactment of Part IX of the Act, the application of the principle of equal pay for work of equal value is extended, under clause 33 (1) (b), to work in the same establishment that requires substantially equivalent or greater skill, effort and responsibility under substantially similar working conditions when the skill, effort, responsibility and working conditions are considered as a whole and not individually.

The application of the Part is further extended so as to prohibit the replacement of an employee of one sex with an employee of the other sex at wages lower than the wages paid to the replaced employee.

Employers will also be prohibited from restricting access to work or excluding from work employees of the same sex to avoid the application of section 33.

The present clauses 33 (1) (a) to (d) and subsections (2), (3) and (4) are retained in a revised form.

SECTION 2. The amendment is complementary to the enactment of section 37b of the Act as set out in section 5 of the Bill.

SECTION 3. The re-enactment of section 35 provides that no pregnant employee may be discharged or terminated or laid off from employment or penalized because of pregnancy. At present this protection is available only to employees who have worked for the employer for more than twelve months and eleven weeks.

The re-enactment also extends the application of the pregnancy leave provisions to medical conditions related to pregnancy.

SECTION 4.—Subsection 1. At present, an employee must work for twelve months and eleven weeks with an employer before the employee is entitled to the seventeen weeks of pregnancy leave provided for in subsection 36 (2). The proposed amendment reduces the required service period to twelve months.

Subsection 2. At present, an employee may return to work before the expiry of a pregnancy leave only with the consent of the employer. The re-enactment of subsection 36 (4) will enable an employee to return before the expiry of a pregnancy leave upon giving four weeks notice to the employer.

SECTION 5. The proposed section 37a provides that an employee with less than twelve months service with an employer is not required to return to work during the six weeks following the date of the birth of her child.

The proposed section 37b will permit an employee who adopts a child to take up to seventeen weeks of leave following the placement of a child with the employee for the purpose of adoption. Adoption leave will be available to either the adoptive father or adoptive mother.

SECTION 6. At present, an employer must reinstate an employee on her return from pregnancy leave without loss of seniority or benefits accrued to the commencement of the leave of absence. It is proposed that section 38 be amended to provide that all service related credits and benefits will continue to accrue during a pregnancy or adoption leave as if the employee had been at work on each day of the leave that the employer's operations were not suspended or discontinued.

Bill 141 1983

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part IX of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: Part IX, (s. 33), re-enacted

PART IX

EQUAL PAY

33.—(1) No employer or person acting on behalf of an employer shall differentiate between his male and female employees by paying a female employee wages that are less than the wages paid to a male employee, or *vice versa*, for substantially the same kind of work performed in the same establishment where the work requires, Equal pay

(a) substantially the same skill, effort and responsibility and the work is performed under similar working conditions; or

(b) substantially equivalent or greater skill, effort and responsibility under similar working conditions when the skill, effort, responsibility and the working conditions are considered as a whole and not individually.

(2) No employer or person acting on behalf of an employer shall, Additional prohibitions

(a) in replacing a male employee with a female employee, or *vice versa*, pay to the replacing employee wages that are less than the wages paid to the replaced employee;

(b) restrict access to the work to employees of a particular sex in order to avoid the application of this section;

(c) exclude from the work employees of a particular sex in order to avoid the application of this section; or

(d) reduce the wages of an employee in order to comply with this section.

Seniority, merit pay, etc.

(3) Subsection (1) and clause (2) (a) do not apply where a differentiation in wages is made pursuant to a system established or adopted by an employer that is based on,

(a) seniority;

(b) merit;

(c) measurement of earnings by quantity or quality of production; or

(d) a reasonable and *bona fide* factor other than sex.

Employer not to be requested to contravene section

(4) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to the employer's employees wages that are in contravention of this section.

Determination by employment standards officer

(5) Where an employment standards officer finds that an employer or person acting on behalf of an employer has failed to comply with subsection (1) or (2), the employment standards officer may determine the amount of money owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages.

Heading, re-enacted

2. Part XI of the said Act is amended by striking out the heading "PREGNANCY LEAVE" and inserting in lieu thereof "PREGNANCY AND ADOPTION LEAVE".

s. 35, re-enacted

3. Section 35 of the said Act is repealed and the following substituted therefor:

Interpretation

35.—(1) For the purposes of this Part, "pregnancy" includes a medical condition related to pregnancy that renders an employee unable to perform the duties of her position or that materially affects the performance of her work.

No penalty for pregnancy

(2) No employer shall terminate or lay-off an employee or impose any penalty upon an employee because of pregnancy.

Leaves of absence may be required

(3) Notwithstanding subsection (2), an employer may require an employee who is pregnant to take a leave or leaves of absence at such time or times as she is unable to perform the

duties of her position or the performance of her work is materially affected by the pregnancy.

4.—(1) Subsection 36 (1) of the said Act is amended by striking out "and eleven weeks" in the third line. s. 36 (1), amended

(2) Subsection 36 (4) of the said Act is repealed and the following substituted therefor: s. 36 (4), re-enacted

(4) Subject to subsection (5), an employee may with the consent of her employer or upon giving her employer four weeks' notice, shorten the duration of the leave of absence requested under subsection (1). Leave may be shortened

5. The said Act is amended by adding thereto the following sections: ss. 37a, 37b, enacted

37a. An employee who is pregnant and is not entitled to a leave of absence under section 36 shall not be required to return to work before the expiration of six weeks following the actual day of her delivery and for the purposes of this Part the time away from work shall be deemed to be a leave of absence under this Part. Employees with less than twelve months service

37b.—(1) An employer shall grant to an employee a leave of absence of at least seventeen weeks or such shorter period as the employee may in writing request from the time a child is placed with the employee for the purpose of adoption by an adoption agency or a person licensed under section 60 of the *Child Welfare Act*. Adoption leave

R.S.O. 1980, c. 66

(2) Every employee who has been employed by the employer for a period of twelve months immediately preceding the day of placement and who makes application therefor within such time as is reasonable in the circumstances shall be entitled to a leave of absence as provided by subsection (1). Entitlement to leave

(3) An employee may with the consent of the employer or upon giving the employer four weeks' notice shorten the duration of the leave of absence requested under subsection (1). Leave may be shortened

(4) An employee shall, upon the request of the employer, provide the employer with a letter from the adoption agency or licensed person verifying the proposed adoption. Furnishing of verification

(5) No employer shall terminate or lay-off an employee or impose any penalty upon an employee because the employee has taken or intends to take a leave of absence under this section. No penalty for leave

One adoptive parent entitled to leave

(6) This section applies to entitle only one of two adoptive parents who are employees to a leave of absence in respect of the placement for adoption of the same child and the adoptive parents shall determine as between themselves who is entitled to the leave.

s. 38, re-enacted

6. Section 38 of the said Act is repealed and the following substituted therefor:

Reinstatement

38.—(1) Upon the expiry of any leave of absence under this Part, the employer shall, upon the employee's return to work, reinstate the employee to the employee's regular position or provide the employee with alternative work of a comparable nature at not less than the wages being paid for such position.

Idem

(2) Where the employer has suspended or discontinued operations during any leave of absence under this Part and has not resumed operations at the expiry of the leave of absence, the employer shall, upon resumption of operations, reinstate the employee to the employee's regular position or to alternate work in accordance with an established seniority system or practice of the employer, and in the absence of such a system or practice shall reinstate the employee in accordance with subsection (1).

Continuation of credits and benefits

(3) While an employee is on leave under this Part, the employee's service related credits and benefits shall continue to accrue during the leave for all purposes, including the determination of all entitlements under this Act based on length of service, as if the employee had been at work on each regular work day of the employee that the employer's operations were not suspended or discontinued.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Employment Standards Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 142

An Act respecting the City of Barrie and the Township of Vespra

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 6th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill provides for the annexation by the City of Barrie of certain lands situate in the Township of Vespra.

Among the principal features of the Bill are the following:

1. Certain described lands in the Township are annexed to the City on January 1st, 1984. (s. 2).
2. The assets and liabilities of the Township attributable to the annexed area become assets and liabilities of the City without compensation; provision is made for a committee of arbitrators to determine which of the assets and liabilities of the Township are attributable to the annexed area. (s. 3).
3. Unpaid taxes on the annexed lands may be collected by the City as though they had been imposed by it. (s. 4).
4. Provision is made for the application of City by-laws to the annexed lands and to deem the provisions of the Township's official plan pertaining to the annexed lands to be provisions of the City's official plan. (s. 5).
5. The Minister of Municipal Affairs and Housing is empowered to order, over a transitional period, that different rates of taxation be imposed on the lands annexed to the City and on the remainder of the City, than would otherwise be imposed. (s. 6).
6. Provision is made for the payment by the City to the Township of compensating grants for the loss of assessment caused by the annexation. (s. 7).
7. The Minister is empowered to grant financial assistance in the manner specified to the two municipalities. (s. 8).
8. The head of the Township council is *ex officio* a member of the City council. (s. 9).
9. For the purposes of the next regular election to be held in 1985, the Minister is empowered to redivide the City into wards, taking into account the annexed lands, and may provide for the composition of the council of the City. (s. 10).

Bill 142 1983

An Act respecting the City of Barrie and the Township of Vespra

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "annexed area" means the land annexed to the City of Barrie under section 2;

(b) "City" means The Corporation of the City of Barrie;

(c) "Minister" means the Minister of Municipal Affairs and Housing;

(d) "Township" means The Corporation of the Township of Vespra.

2. On the 1st day of January, 1984, the portion of the Township of Vespra described in the Schedule is annexed to the City of Barrie. Annexation of part of Vespra to Barrie

3.—(1) All the assets and liabilities of the Township attributable on the 1st day of January, 1984 to the annexed area become assets and liabilities of the City without compensation. Assets and liabilities

(2) The Minister may appoint a committee of arbitrators for the purpose of determining the assets and liabilities, including reserve funds, of the Township attributable to the annexed area. Committee of arbitrators

(3) The committee shall consist of the treasurer of the City, the treasurer of the Township and such other person or persons as the Minister may appoint. Composition

(4) The committee shall make a determination of the assets and liabilities, including reserve funds attributable to the Determination of assets and liabilities

annexed area, together with the determination of any financial adjustments that may be necessary.

Notification of determination

(5) The committee shall notify the clerk of the City, the clerk of the Township and the Ontario Municipal Board of the determination made under subsection (4), and, unless the council of either municipality informs the Board in writing within thirty days of the notification that it objects to such determination, the determination shall be given effect to by order of the Board.

Determination of O.M.B.

(6) Where objection is made to the Ontario Municipal Board under subsection (5), the Board may by order make all such adjustments of assets and liabilities as between the Township and the City as the Board may consider equitable, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made under this subsection.

R.S.O. 1980, c. 347

Unpaid taxes

4.—(1) All taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on the 31st day of December, 1983, shall after that date be taxes due and payable to the City and may be collected and recovered by the City as if the taxes had been imposed by the City.

Special roll

(2) The clerk of the Township shall forthwith prepare and furnish to the clerk of the City a special collector's roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, 1983, and the persons assessed therefor.

By-laws

5.—(1) On and after the 1st day of January, 1984, the by-laws of the City extend to the annexed area and the by-laws of the Township cease to apply to such area, except by-laws relating to highways and by-laws passed by the Township under section 34 of the *Planning Act, 1983* or a predecessor of that section which shall remain in force until amended or repealed by the council of the City, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the Township.

1983, c. 1

Zoning by-law of Township deemed by-law of City

(2) On and after the 1st day of January, 1984, By-law No. 83-15 of the Township, in so far as it applies to the annexed area, shall be deemed to be a by-law of the City and to have been submitted to the Ontario Municipal Board for approval.

Official plan

(3) The provisions of the official plan of the Township as they pertain to the annexed area shall be deemed to be provisions of the official plan of the City.

(4) The Minister shall remain seized of the portions of the official plan submitted to the Minister by the Township for approval that pertain to the annexed area and that as of the 1st day of January, 1984 have not been approved by the Minister and when and if such additional portions are approved they shall be deemed to be provisions of the official plan of the City. Deferred portions of official plan

6.—(1) Notwithstanding any general or special Act, the Minister may provide at any time by order, that in the years 1984, 1985, 1986, 1987 and 1988 and in the manner specified in the order, the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section. Rates of taxation

(2) An order made under subsection (1) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed area does not receive City services, and the rates may vary among the defined areas. Idem

7. The City shall pay to the Township as compensation for the loss of assessment caused by the annexation provided for in section 2 such amounts, and in such manner, as the City and the Township may agree upon or, failing agreement, as the Ontario Municipal Board upon application considers equitable. Compensation for loss of assessment

8.—(1) Where the Minister is of the opinion that property taxes in the Township or in the City, or in any part thereof, are unduly high or have been or may be unduly increased because of the annexation provided for in section 2, the Minister may, by order, make a grant to the Township or the City under such terms and conditions as the Minister considers appropriate. Compensating grants

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1984, be paid out of the Consolidated Revenue Fund, and thereafter, out of the moneys appropriated therefor by the Legislature. Moneys

9. On and after the 1st day of January, 1984 and until the council of the City to be elected at the general election to be held in 1985 is organized as provided for in section 49 of the *Municipal Act*, the head of the council of the Township, or such other person, a member of the council of the Township at the *Ex officio* member of City council

R.S.O. 1980, c. 302

time of his appointment, as the council of the Township may by by-law appoint, is *ex officio* a member of the council of the City.

Redivision of wards

10.—(1) For the purposes of the general election to be held in 1985, the Minister may, by order, redivide the City into wards taking into consideration the land annexed to the City by section 2 and such wards shall remain in effect until altered by the Ontario Municipal Board.

Composition of council

(2) An order made under subsection (1) may provide for the composition of the council of the City which composition shall remain in effect until altered in accordance with the provisions of the *Municipal Act*, and may provide that the composition of council shall be deemed to have been provided for by by-law of the City.

R.S.O. 1980, c. 302

Powers of L.G. in C.

11. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the opinion of the Minister are necessary or advisable to carry out effectively the purposes or intent of this Act.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Barrie-Vespra Annexation Act, 1983*.

SCHEDULE

Commencing at a point on the southerly boundary of the Township of Vespra distant 0.63 metres measured easterly therealong from the southerly prolongation of the centre line of Concession VIII;

Thence north 02° 23′ 30″ west 1031.30 metres to a point;

Thence north 17° 20′ 10″ west 209.69 metres to a point;

Thence north 13° 25′ 40″ west 34.39 metres to a point;

Thence north 09° 52′ 40″ west 49.64 metres to a point;

Thence north 04° 07′ 30″ west 38.94 metres to a point;

Thence north 06° 33′ 50″ east 17.04 metres to a point;

Thence north 20° 31′ east 123.52 metres to a point on the westerly limit of the road allowance between concessions VII and VIII distant 92.06 metres measured north 31° 34′ 30″ west from the easterly angle of Lot 22 in Concession VIII;

Thence north 20° 31′ east 118.13 metres to a point;

Thence north 12° 09′ 40″ east 13.38 metres to a point;

Thence north 0° 30′ 20″ west 12.77 metres to a point;

Thence north 06° 30′ 10″ west 68.49 metres to a point;

Thence north 09° 36′ 40″ west 494.44 metres to a point;

Thence north 03° 32′ east 132.52 metres to a point;

Thence north 02° 09′ 50″ west 360.08 metres to a point;

Thence north 11° 02′ 40″ west 146.79 metres to a point in the northwesterly limit of the road allowance between lots 20 and 21 distant 65.23 metres measured south 57° 15′ 20″ west from the easterly limit of the west half of Lot 20 in Concession VII;

Thence north 11° 02′ 40″ west 96.01 metres to a point;

Thence north 07° 04′ 10″ west 191.94 metres to a point;

Thence north 13° 14′ 50″ west 343.12 metres to a point;

Thence north 0° 39′ 40″ east 10.54 metres to a point;

Thence north 15° 59′ 20″ east 11.50 metres to a point;

Thence north 25° 37′ 50″ east 10.91 metres to a point;

Thence north 33° 11′ 50″ east 11.85 metres to a point;

Thence north 45° 32′ 50″ east 493.84 metres to a point on the southwesterly limit of the road allowance between concessions VI and VII distant 139.95 metres measured north 32° 17′ 20″ west from the easterly angle of Lot 19 in Concession VII;

Thence north 45° 32′ 50″ east 1194.38 metres to a point;

Thence north 31° 46′ 30″ east 13.08 metres to a point;

Thence north 20° 46′ 10″ east 272.73 metres to a point on the northeasterly limit of Lot 19 in Concession VI distant 84.49 metres measured south 31° 26′ 50″ east from the northerly angle of the said Lot;

Thence north 20° 46′ 10″ east 45.11 metres to a point;

Thence north 30′ 08″ east 16.52 metres to a point;

Thence north 38° 13′ 10″ east 1408.42 metres to a point;

Thence north 46° 19′ 30″ east 12.00 metres to a point;

Thence north 57° 12′ 20″ east 33.42 metres to a point on the northeasterly limit of Lot 18 in Concession V distant 115.43 metres measured south 31° 39′ 30″ east from the northerly angle of the said Lot;

Thence north 57° 12′ 20″ east 165.88 metres to a point;

Thence north 45° 12′ 20″ east 12.25 metres to a point;

Thence north 38° 56′ 50″ east 608.85 metres to a point;

Thence north 47° 11′ 20″ east 173.05 metres to a point;

Thence north 52° 17′ 10″ east 896.43 metres to a point;

Thence north 51° 30′ 40″ east 13.14 metres to a point;

Thence north 32° 48′ 50″ east 311.35 metres to a point;

Thence north 52° 45′ east 11.92 metres to a point;

Thence north 62° 23′ east 510.14 metres to a point in the southwesterly limit of Lot 15 in Concession II W.P.R. distant 20.52 metres measured south 38° 56′ 30″ east from the westerly angle of the said Lot;

Thence north 62° 23′ east 325.55 metres to a point;

Thence north 55° 57′ east 403.34 metres to a point;

Thence north 74° 37′ 30″ east 282.14 metres to the northeasterly limit of the said Lot 15 distant 167.89 metres measured south 30° 45′ 40″ east from the northerly angle of the said Lot 15;

Thence north 74° 37′ 30″ east 318.49 metres to a point;

Thence north 73° 41′ east 188.49 metres to a point;

Thence north 71° 09′ 40″ east 537.25 metres to a point;

Thence north 63° 16′ 40″ east 201.55 metres to a point in the northeasterly limit of the King's Highway No. 400 distant 18.92 metres measured south 32° 12′ 40″ east from the northerly limit of Lot 15 in Concession I W.P.R.;

Thence north 63° 16′ 40″ east 24.05 metres to a point;

Thence north 58° 07′ 40″ east 679.04 metres to a point;

Thence north 56° 50′ 20″ east 299.25 metres to a point on the westerly limit of the King's Highway No. 93;

Thence north 56° 50′ 20″ east 3.66 metres to a point on the westerly limit of the road allowance between the townships of Vespra and Oro said point being distant 18.49 metres measured southerly from the northeasterly angle of Lot 14 in Concession I W.P.R.;

Thence north 56° 50′ 20″ east 7.62 metres to the easterly boundary of the Township of Vespra;

Thence southerly along the said easterly boundary to the northerly boundary of the City of Barrie;

Thence westerly following the boundaries between the City of Barrie and the Township of Vespra to the place of commencement.

SAVING AND EXCEPTING thereout and therefrom the southeasterly 9.91 metres of the Trans Canada Pipeline as shown on Plans registered in the Registry Office for the Registry Division of Simcoe as Routine Pipeline Plan Nos. 131528, 131529, 131530 and 134934.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 143

Arboreal Emblem Act, 1983

The Hon. A. W. Pope
Minister of Natural Resources

1st Reading December 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The Bill would adopt the Eastern White Pine as the arboreal emblem of Ontario.

Bill 143 **1983**

Arboreal Emblem Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Arboreal emblem of Ontario

1. The tree known botanically as *Pinus strobus* Linnaeus and popularly known as the Eastern White Pine is adopted as and shall be deemed to be the arboreal emblem of the Province of Ontario.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Arboreal Emblem Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 144

An Act to amend the Retail Sales Tax Act

The Hon. B. Gregory
Minister of Revenue

1st Reading December 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

The Bill extends the temporary exemption from tax on furniture and major home appliances purchased prior to August 9, 1983 to include appliances and furniture delivered on or after November 8, 1983 and before January 1, 1984. Paragraph 76 of subsection 5 (1) now reads:

> *76. furniture, as defined by the Minister, including curtains, drapes and blinds, as defined by the Minister, and floor coverings, as defined by the Minister, that are purchased before the 9th day of August, 1983 for private residential use, if delivery thereof is taken by the purchaser on or after the 11th day of May, 1983, and before the 8th day of November, 1983, but only when such furniture, curtains, drapes, blinds and floor coverings have never previously been sold, leased or rented by a dealer to a customer at a retail sale anywhere.*

Clause (c) of paragraph 77 of subsection 5 (1) now reads:

> *(c) purchased before the 9th day of August, 1983, and delivery thereof is taken by the purchaser on or after the 11th day of May, 1983 and before the 8th day of November, 1983.*

Bill 144 1983

An Act to amend the Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 5 (1), par. 76, amended

1.—(1) Paragraph 76 of subsection 5 (1) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by striking out "8th day of November, 1983" in the seventh line and inserting in lieu thereof "1st day of January, 1984".

s. 5 (1), par. 77, cl. (c), amended

(2) Clause (c) of paragraph 77 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 48, section 1, is amended by striking out "8th day of November, 1983" in the third and fourth lines and inserting in lieu thereof "1st day of January, 1984".

Commencement

2. This Act shall be deemed to have come into force on the 18th day of October, 1983.

Short title

3. The short title of this Act is the *Retail Sales Tax Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 144

(Chapter 81
Statutes of Ontario, 1983)

An Act to amend the Retail Sales Tax Act

The Hon. B. Gregory
Minister of Revenue

1st Reading	December 8th, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 144 1983

An Act to amend the Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 5 (1), par. 76, amended

1.—(1) Paragraph 76 of subsection 5 (1) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by striking out "8th day of November, 1983" in the seventh line and inserting in lieu thereof "1st day of January, 1984".

s. 5 (1), par. 77, cl. (c), amended

(2) Clause (c) of paragraph 77 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 48, section 1, is amended by striking out "8th day of November, 1983" in the third and fourth lines and inserting in lieu thereof "1st day of January, 1984".

Commencement

2. This Act shall be deemed to have come into force on the 18th day of October, 1983.

Short title

3. The short title of this Act is the *Retail Sales Tax Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 145

An Act to amend the Planning Act, 1983

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTES

Section 74 of the *Planning Act, 1983* provides generally for transitional matters consequent on the coming into force of the new Act on August 1, 1983.

SECTION 1.—Subsection 1. Clauses 74 (3) (b) and (f) deal with applications made to a council to amend an official plan or a zoning by-law, respectively, and in their present form have given rise to some uncertainty as to whether any particular application commenced before August 1, 1983 is to be continued and disposed of under the former *Planning Act* or the new *Planning Act*. It is proposed therefore to repeal those clauses and to enact three new subsections to clarify the matter.

Subsection 2. New subsection (4) provides that where a council declines to make an amendment to an official plan that has been requested, the matter shall be disposed of under the former *Planning Act*; where a council accedes to the requested amendment, the matter shall be disposed of under either the former Act or under the *Planning Act, 1983*, as the council determines, but in either event section 94 of the *Ontario Municipal Board Act* (providing for a petition to Cabinet from the Municipal Board decision) applies.

New subsection (5) provides that where an official plan amendment is disposed of under the former *Planning Act*, section 17 of that Act, pertaining to the obtaining of a planning board report, does not apply. (Planning boards, except in Northern Ontario, were dissolved upon the coming into force of the new *Planning Act)*.

New subsection (6) provides for substantially the same procedure as applies to official plan amendments in the case of requested zoning by-law amendments.

Bill 145 1983

An Act to amend the Planning Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 74 (3) (b) and (f) of the *Planning Act, 1983*, being chapter 1, are repealed. s. 74 (3) (b, f), repealed

(2) Section 74 of the said Act is amended by adding thereto the following subsections: s. 74, amended

(4) Despite clause (3) (a), where a request to initiate an amendment to an official plan was received by a council before the 1st day of August, 1983, Request to amend official plan, disposition of

(a) if the council refuses to propose the amendment or fails to propose it within thirty days from the receipt of the request and the person who made the request requests the Minister to refer the proposal to the Municipal Board, the matter shall be continued and finally disposed of under the former Act; or

(b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter. R.S.O. 1980, c. 347

(5) In the case of a request to initiate an amendment to an official plan that is continued and finally disposed of under the former Act as mentioned in subsection (4), the provisions of section 17 of the former Act pertaining to the obtaining of a planning board report do not apply. Report of planning board

(6) Despite clause (3) (e), where an application to amend a zoning by-law was received by a council before the 1st day of August, 1983, Request to amend zoning by-law, disposition of

(a) if the council refuses the application or refuses or neglects to make a decision thereon within one month after the receipt of the application and the applicant appeals to the Municipal Board, the matter shall be continued and finally disposed of under the former Act;

(b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter.

R.S.O. 1980, c. 347

Commencement

2. This Act shall be deemed to have come into force on the 1st day of August, 1983.

Short title

3. The short title of this Act is the *Planning Amendment Act, 1983*.

Bill 145

(Chapter 82
Statutes of Ontario, 1983)

An Act to amend the Planning Act, 1983

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	December 8th, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 145 1983

An Act to amend the Planning Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 74 (3) (b) and (f) of the *Planning Act, 1983*, being chapter 1, are repealed. s. 74 (3) (b, f), repealed

(2) Section 74 of the said Act is amended by adding thereto the following subsections: s. 74, amended

(4) Despite clause (3) (a), where a request to initiate an amendment to an official plan was received by a council before the 1st day of August, 1983, Request to amend official plan, disposition of

(a) if the council refuses to propose the amendment or fails to propose it within thirty days from the receipt of the request and the person who made the request requests the Minister to refer the proposal to the Municipal Board, the matter shall be continued and finally disposed of under the former Act; or

(b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter. R.S.O. 1980, c. 347

(5) In the case of a request to initiate an amendment to an official plan that is continued and finally disposed of under the former Act as mentioned in subsection (4), the provisions of section 17 of the former Act pertaining to the obtaining of a planning board report do not apply. Report of planning board

(6) Despite clause (3) (e), where an application to amend a zoning by-law was received by a council before the 1st day of August, 1983, Request to amend zoning by-law, disposition of

(a) if the council refuses the application or refuses or neglects to make a decision thereon within one month after the receipt of the application and the applicant appeals to the Municipal Board, the matter shall be continued and finally disposed of under the former Act;

(b) if the council accedes to the request, the matter shall be continued and finally disposed of under either the former Act or under this Act as determined by the council but in either case, section 94 of the *Ontario Municipal Board Act* applies and section 63 of this Act does not apply in respect of the final disposition of the matter.

R.S.O. 1980, c. 347

Commencement

2. This Act shall be deemed to have come into force on the 1st day of August, 1983.

Short title

3. The short title of this Act is the *Planning Amendment Act, 1983*.

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 146

An Act to amend the Public Utilities Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The proposed subsections 43 (1a) to (1c) will permit public utilities commissions to pay the expenses incurred by their members. A commission will be authorized to provide for the reimbursement of the actual expenses incurred or may provide for the payment on an allowance basis. For example, expenses for travelling by automobile could be paid on the basis of actual cost or on the basis of a rate for each kilometre travelled.

Bill 146 1983

An Act to amend the Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of the *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 43, amended

(1a) A commission may provide by resolution for the payment in whole or in part of such expenses of its members as are actually incurred as a result of their acting in their capacity as members and as are authorized by the resolution. Expenses

(1b) A resolution passed under subsection (1a) may set maximum amounts or rates that may be paid in respect of any expense for which payment is authorized by the resolution. Maximum amounts

(1c) A resolution passed under subsection (1a) may provide for the payment of a specified amount or of amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the resolution where the specified amounts or rates, in the opinion of the commission, reasonably reflect the actual expenses that would be incurred. Expense allowances

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Public Utilities Amendment Act, 1983*. Short title

Bill 147 **Government Bill**

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 147

An Act to amend the Building Code Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading December 8th, 1983
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

EXPLANATORY NOTE

The proposed amendments to section 19 of the Act will authorize the Lieutenant Governor in Council to make regulations,

(a) conferring a discretion on chief building officials to allow variations from the Building Code with respect to construction in relation to an existing building; and

(b) requiring the upgrading of those parts of existing buildings affected by construction in relation to the building.

Bill 147 1983

An Act to amend the Building Code Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 19 (1) of the *Building Code Act*, being chapter 51 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses: s. 19 (1), amended

(oa) permitting chief officials, subject to such conditions as are set out in the regulations, to allow the use of materials, techniques and designs that are other than those prescribed by the regulations with respect to construction in relation to an existing building;

(ob) requiring the alteration of any part or parts of an existing building where construction in relation to the building affects the part or parts.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Building Code Amendment Act, 1983*. Short title

3RD SESSION, 32ND LEGISLATURE, ONTARIO 32 ELIZABETH II, 1983

Bill 147

(Chapter 83
Statutes of Ontario, 1983)

An Act to amend the Building Code Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

1st Reading	December 8th, 1983
2nd Reading	December 13th, 1983
3rd Reading	December 15th, 1983
Royal Assent	December 16th, 1983

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 147 1983

An Act to amend the Building Code Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 19 (1) of the *Building Code Act*, being chapter 51 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses: s. 19 (1), amended

(oa) permitting chief officials, subject to such conditions as are set out in the regulations, to allow the use of materials, techniques and designs that are other than those prescribed by the regulations with respect to construction in relation to an existing building;

(ob) requiring the alteration of any part or parts of an existing building where construction in relation to the building affects the part or parts.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Building Code Amendment Act, 1983*. Short title